

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**CRM-M-42224-2022
Decided on : 14.09.2022**

Gurbhej Singh alias Bheja

. . . Petitioner(s)

Versus

State of Punjab

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Kulwinder Singh, Advocate
for the petitioner(s).

Mr. J.S. Arora, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

By way of present petition filed under Section 482 Cr.P.C., petitioner is seeking quashing of order dated 30.08.2022 (Annexure P-5), passed by learned Special Court, Mansa, in case FIR No. 114, dated 22.05.2022, under Sections 21/29 (Act No.61) of the Narcotic Drugs & Psychotropic Substances Act, 1985 (for brevity, 'NDPS Act'), registered at Police Station Sadar Mansa, District Mansa, vide which bail & surety bonds of the petitioner have been cancelled and non-bailable warrants have been issued.

Learned counsel for the petitioner submits that earlier petitioner was on bail vide order dated 25.07.2022 (Annexure P-2) on the ground that recovered contraband was 15 grams of heroin from the possession of the petitioner, which is non-commercial quantity. He further submits that thereafter, petitioner was appearing on each and every date of hearing and in case of non-appearance, he always sought exemption from personal appearance by way of appropriate application, as reflected in the order dated 01.08.2022 (Annexure P-4).

Learned counsel for the petitioner further submits that on 03.08.2022, petitioner could not come present and resultantly, his bail was cancelled. His bail & surety bonds were also cancelled and forfeited to the State, and non-bailable warrants of arrest were issued against the petitioner for 30.09.2022.

Learned counsel for the petitioner submits that if one chance is given to the petitioner for his appearance, he would undertake not to remain absent from Court ever in future, except, of prior permission of the Court. Further submits that for causing delay in the proceedings of the case, petitioner is ready to deposit some amount in the shape of cost also.

Notice of motion.

On asking of the Court, Mr. J.S. Arora, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondent-State.

A copy of the complete paper book has been supplied to him by learned counsel for the petitioner.

Learned State counsel opposes the request of the petitioner, and submits that he is an habitual offender, and is involved in 05 other cases of similar nature. Therefore, he does not deserve any sympathy and the order passed by the learned Special Court, is well reasoned and sustainable in the eyes of law.

Be that as it may, paramount consideration of the Court is to secure presence of accused on each and every date for speeding up the trial for its final conclusion. Already Courts are flooded with so much litigations, resulting in slow pace of work, because of more than one reason. The required energy and manpower be used for expediting the proceedings of the Court, instead of running after the accused persons to get hold of them.

After considering the submissions and circumstances in totality,

I am of the view that if petitioner is given one chance to appear before the trial Court, subject to payment of Rs.20,000/- as costs, to be deposited with the District Legal Services Authority, Mansa, then purpose of securing his presence would be served and lot of exercise, time and energy can be saved. Therefore, it is directed that if petitioner on his own appears before the learned trial Court on or before 30.09.2022 (the date already fixed before it), he would be released on bail subject to his furnishing fresh bail bonds/surety bonds to the satisfaction of the trial Court. Besides, petitioner would submit specific undertaking/affidavit that he will keep appearing during the proceedings of the trial in future and the proceedings would not be delayed because of his conduct.

In view of above, the present petition is allowed. However, it is made clear that the bail order would be subject to the deposit of the receipt of an amount of Rs.20,000/- to be deposited with the District Legal Services Authority, Mansa.

Needless to mention here that on compliance of all the conditions mentioned hereinabove, impugned order dated 30.08.2022 would become inoperative *qua* the petitioner.

(SANJAY VASHISTH)
JUDGE

September 14, 2022

J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No