

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

128

**CRM-M-45081-2022
Decided on : 28.09.2022**

Jagga Singh

. . . Petitioner(s)

Versus

State of Punjab

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Gurbir Singh Sidhu, Advocate with
Mr. Mohit Kumar, Advocate
for the petitioner(s).

SANJAY VASHISTH, J. (Oral)

By way of present petition filed under Section 482 Cr.P.C., petitioner is seeking quashing of order dated 13.05.2022 (Annexure P-3), whereby, bail granted to the petitioner is cancelled and non-bailable warrants of arrest has been issued on account of non-appearance on 13.05.2022 before the Court, in case FIR No. 99, dated 25.06.2019, under Sections 22 & 29 of the Narcotic Drugs & Psychotropic Substances Act, 1985 (for brevity, 'NDPS Act'), registered at Police Station Dirba, District Sangrur.

Learned counsel for the petitioner submits that in the main case under the NDPS Act, no recovery was effected from the petitioner, and the recovery effected from the co-accused was of non-commercial quantity. He further submits that initially he was granted bail by the Ld. Special Court, Sangrur, vide order dated 18.11.2019 (Annexure P-2). Thereafter, petitioner had been appearing on each and every date before the Court concerned except of prior permission of the Court.

Learned counsel for the petitioner further submits that reason of not appearing on 13.05.2022 before the Court has been well explained in

paragraph 5 of the present petition, which says as under:-

“5. That it is also worth to record here on 13.05.2022 inadvertently the petitioner did not put in appearance before the court on one occasion due to impression in mind that the fixed date is 16.05.2022 and therefore on such default the ld. Trial Court cancelled his bail and non bailable warrants were issued against the petitioner. The copy of the impugned order is attached herewith as Annexure P-3.”

In view of the aforementioned background, learned counsel further contends that, if one opportunity is granted to the petitioner to appear and then to grant him bail, subject to payment of some cost, he undertakes that in all the future proceedings of the present case, he will never be absent from the Court except on obtaining prior permission by the Court and will-fully cooperate in the Court proceedings for early completion of trial.

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 such person, who is involved in the serious offences such as under the NDPS Act, does not deserve any sympathy. Therefore, petitioner should be directed to surrender before the Court and to face trial.

I have heard learned counsel for the parties and perused the relevant material on record. It is evident that in the main case under the NDPS Act, no recovery has been effected from the petitioner, moreover, contraband, which was recovered from the co-accused – Karamjeet Singh,

was of the non-commercial quantity, which was 08 grams of intoxicated powder.

This Court is also of the view that 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.

Therefore, in the totality of circumstances, I am of the view that if petitioner is given one chance to appear before the trial Court, subject to payment of Rs.10,000/- as costs, to be deposited with the District Legal Services Authority, Sangrur, 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 10.10.2022, 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 an amount of Rs.10,000/- to be deposited with the District Legal Services Authority, Sangrur.

Needless to mention here that on compliance of all the conditions mentioned hereinabove, impugned order dated 13.05.2022

(Annexure P-3) and the subsequent orders would become inoperative *qua* the petitioner.

(SANJAY VASHISTH)
JUDGE

September 28, 2022
J.Ram

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