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

CRM-M-45981-2022

Date of decision : 30.09.2022

Rajender Singh @ Sibu

...Petitioner

Versus

State of Haryana

...Respondent

**CORAM: HON'BLE MR. JUSTICE VIKAS BAHL**

Present: Mr. Kuldeep Singh Siwach, Advocate for the petitioner.

Mr. Dhruv Sihag, AAG, Haryana.

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**VIKAS BAHL, J. (ORAL)**

This is a petition filed under Section 482 of Cr.P.C. for quashing of order dated 04.01.2022 (Annexure P-26), vide which the bail of the petitioner has been cancelled and his bail bonds/surety bonds have been forfeited to the State in FIR No.113 dated 20.04.2016 registered under Sections 21, 27(A) (Act No.61) of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Sadar Tohana, District Fatehabad.

Learned counsel for the petitioner has submitted that in the present case, the petitioner had been granted regular bail vide order dated 06.06.2016 (Annexure P-2) by the Additional Sessions Judge, Fatehabad in the abovesaid FIR and the alleged recovery effected from the present petitioner was of 30 grams of smack which would fall within the ambit of

non-commercial quantity. It is further submitted that the petitioner had been appearing regularly before the trial Court but could not appear on 04.01.2022 as he had noted the wrong date. It is contended that the case before the trial Court is now fixed for 06.10.2022 and the petitioner now undertakes to appear before the trial Court on or before 06.10.2022 and also on each and every date before the trial Court unless his personal appearance is specifically exempted by the trial Court.

On the other hand, learned State Counsel has opposed the present petition and has submitted that the petitioner was aware about the said proceedings and in spite of the same, had not appeared on 04.01.2022 and thus, the impugned order had rightly been passed.

This Court has heard the learned counsel for the parties and has perused the record.

In the present case, the petitioner was granted regular bail vide order dated 06.06.2016 (Annexure P-2). It is the case of the petitioner that he had been regularly appearing before the trial Court but could not appear on 04.01.2022 as he had noted the wrong date. The case before the trial Court is now stated to be fixed for 06.10.2022 and the petitioner has undertaken to appear before the trial Court on or before 06.10.2022. The alleged recovery effected from the present petitioner is stated to be 30 grams of smack which would fall within the ambit of non-commercial quantity.

Learned counsel for the petitioner has already submitted that the petitioner has undertaken to appear before the trial Court on or before 06.10.2022 and also to appear on each and every date before the trial Court unless his personal appearance is specifically exempted by the trial Court.

Keeping in view the abovesaid facts and circumstances, the present petition is allowed and the impugned order dated 04.01.2022 (Annexure P-26) to the extent that the bail of the present petitioner-Rajender @ Sibbu has been cancelled and his bail bonds have been forfeited to the State and warrants of arrest have been issued against him and notice to his surety has been issued, is set aside, subject to the petitioner appearing before the trial Court on or before 06.10.2022 and on his appearance, the trial Court is directed to release the petitioner on bail on his furnishing bail bonds/surety bonds to the satisfaction of the concerned trial Court. The same would also be subject to the petitioner depositing an amount of Rs.5000/- with the Bar Clerks Association, Punjab and Haryana High Court, Chandigarh and would also be subject to the petitioner giving an undertaking to the trial Court that he would appear before the trial Court on each and every date unless his personal appearance is specifically exempted by the Court.

It is, however, clarified that in case, the abovesaid conditions are not complied with on or before 06.10.2022, then the present petition would be deemed to have been dismissed.

It is further clarified that the impugned order dated 04.01.2022 (Annexure P-26) is set aside qua the present petitioner namely Rajender Singh @ Sibbu only.

**30.09.2022***Pawan***(VIKAS BAHL)  
JUDGE****Whether speaking/reasoned:-****Yes/No****Whether reportable:-****Yes/No**