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

CRM-M-46586-2022

Date of decision : 29.10.2022

Bikramjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Ms. Aarti Pandit, Advocate for
Mr. Inder Pal Singh, Advocate for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 of Cr.P.C. for quashing of order dated 11.07.2022 in case FIR No.2 dated 08.01.2021 registered under Section 21(a) of the NDPS Act, 1985 at Police Station City Tarn Taran, District Tarn Taran.

Learned counsel for the petitioner has submitted that the petitioner was granted regular bail vide order dated 02.02.2021 passed by the Judge Special Court, Tarn Taran and since then, the petitioner had been regularly appearing before the trial Court but could not appear on 11.07.2022 as he had noted the wrong date, i.e. 12.09.2022 instead of 11.07.2022. It is further submitted that on 11.07.2022, there was no prosecution witness present and thus, no delay has been caused to the trial.

It is contended that the next date of hearing before the trial Court is 06.12.2022 and the petitioner is ready to appear before the trial Court within a period of three weeks from today and is also ready to give an undertaking to the trial Court that he would appear before the trial Court on each and every date unless his appearance is specifically exempted by the Court and is also ready to deposit an amount of Rs.5,000/- with the High Court Lawyers' Welfare Fund within a period of three weeks from today.

On the other hand, learned State Counsel has opposed the present petition and has submitted that order dated 11.07.2022 has been passed in accordance with law inasmuch as the petitioner was well aware about the said date and still did not appear on the said date.

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

In the present case, the petitioner was alleged to be carrying 5 grams of heroin and was granted regular bail vide order dated 02.02.2021 passed by the Judge Special Court, Tarn Taran and it is the case of the petitioner that he had been regularly appearing before the trial Court but on 11.07.2022, he could not appear as he had noted the wrong date, i.e., 12.09.2022 instead of 11.07.2022 and on the said date, the impugned order was passed. A perusal of order dated 11.07.2022 would show that no prosecution witness was present.

Learned counsel for the petitioner has already submitted that the petitioner has undertaken to appear before the trial Court within a period of three weeks from today and to also 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 11.07.2022 is set aside subject to the petitioner appearing before the trial Court within a period of three weeks from today 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.5,000/- with the High Court Lawyers' Welfare Fund 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 appearance is specifically exempted by the Court.

It is, however, clarified that in case, the abovesaid conditions are not complied with within the stipulated period, then the present petition would be deemed to have been dismissed.

29.10.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No