

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-50317-2022
Date of decision : 01.11.2022

Avtar Singh @ Tara and another

... Petitioners

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: None.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 482 Cr.P.C. quashing of the order dated 23.08.2022 passed by the Additional Sessions Judge, Tarn Taran vide which the bail bonds and surety bonds of the petitioner were cancelled and forfeited to the State and non-bailable warrants of arrest have been issued to the petitioners in FIR no.12 dated 01.03.2019 registered under Section 21 of the Narcotic Drugs and Psychotropic Substances Act 1985 (in short "NDPS Act") at Police Station Valtaha, District Tarn Taran.

A perusal of the petition would show that it has been stated that the petitioners were granted regular bail by the Sessions Judge, Tarn Taran vide order dated 17.05.2019 and thereafter the petitioners were appearing on each and every date and even on 31.05.2022 the petitioners had appeared on which date, no PW was present and case was adjourned to 23.08.2022. It has been stated by the petitioners that a wrong date i.e., 30.08.2022 was noted on 31.05.2022, instead of 23.08.2022 and on account of the same, the

of para 13 of the petition would show that the petitioners have specifically stated that they are ready and willing to appear before the trial Court and also shall abide by the terms and conditions that are imposed by this Court. It is further stated that the petitioners will not jump bail again and will appear on each and every date of hearing. It is further stated that the petitioners are not involved in any other case.

The zimni order dated 31.05.2022 which has been reproduced in paragraph 6 of the petition, is reproduced hereunder:-

*“Present: APP for the State.
Both the accused on bail.*

No PW is present. Let, remaining PWs be summoned as per previous order for 23.08.2022.

*(Rakesh Kumar Sharma)
(UID PB0133)
ASJ/JSC/TT/31.05.2022”*

A perusal of the above order would show that on 31.05.2022, which is the date prior to 23.08.2022, both the accused persons, who are the petitioners in the present case, had appeared and were shown to be on bail and no PW was stated to be present and thus, the case was adjourned to 23.08.2022. The non-appearance of the petitioners on 23.08.2022 seems to be bonafide.

Keeping in view the above said facts and circumstances, the present petition is allowed and the impugned order dated 23.08.2022 is set aside subject to the petitioners appearing before the trial Court within a period of two weeks from today and also subject to the petitioners depositing an amount of Rs.4000/- each (total Rs.8000/-) Lawyers Welfare Fund, High Court, Chd. within the aforesaid period and subject to giving an undertaking to appear on each and every date unless their personal

appearance is specifically exempted by the trial Court and on doing so, the concerned trial Court is directed to release the petitioners on bail on their furnishing bail bonds/surety bonds to the satisfaction of the concerned trial Court.

It is made clear that in case, the petitioners do not comply with the above said conditions, the present petition would be deemed to have been dismissed.

(VIKAS BAHL)
JUDGE

November 01, 2022
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No