

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-50736-2022
Date of decision : 02.11.2022

Mohd. Sabir

... Petitioner

Versus

State of Punjab

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: None.

VIKAS BAHL, J.(ORAL)

Today, the Lawyers have decided to abstain from appearing in the Court because of the call given by the Bar Association.

This is a petition under Section 482 Cr.P.C. for quashing the impugned order dated 20.12.2021 (Annexure P-3) passed by the Special Court, Ludhiana and the subsequent orders vide which the bail bonds / surety bonds of the petitioner have been cancelled and forfeited to the State and warrants of arrest have been issued to the petitioner.

A perusal of the paper book would show that it has been averred that the petitioner was falsely implicated in the case with respect to the alleged recovery of 10 kgs. of poppy husk which is a non-commercial quantity inasmuch as the commercial quantity of poppy husk starts from 50 kgs. and the petitioner was granted the concession of regular bail vide order dated 29.04.2020. It is the case of the petitioner that the petitioner belongs to the labour class and has been doing the work as a labourer in the State of

Covid-19, the petitioner was informed by his earlier counsel that the Courts were functioning in a restricted manner and he would be informed when the normal Court functioning would resume. It is stated that when the petitioner came back from work, he learnt that the impugned order had been passed and bail bonds and surety bonds of the petitioner had been cancelled. It is further stated that by virtue of the subsequent orders dated 07.04.2022 and 30.09.2022, even proclamation has been issued against the present petitioner and now the case is pending for 17.01.2023 for recording of the statement regarding proclamation. It is further stated that the petitioner is ready and willing to abide by all the conditions that may be imposed by this Court. It is also stated that the petitioner is not involved in any other case.

A perusal of the orders dated 20.12.2021, 07.04.2022 as well as order dated 30.09.2022 would show that on the said dates, no prosecution witness was present and the plea raised in the present petition for reason of non-appearance is, prima facie, bonafide.

Keeping in view the above said facts and circumstances, the present petition is allowed and the orders dated 20.12.2021, 07.04.2022 and 30.09.2022 are set aside, subject to the petitioner appearing before the trial Court within a period of two weeks from today and also subject to the petitioner depositing an amount of Rs.7000/- in the High Court Lawyers' Welfare Fund within the aforesaid period and also to give an undertaking to appear on each and every date unless his personal appearance is specifically exempted by the trial Court and on doing so, the concerned trial Court is directed to release the petitioner on bail on his furnishing fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court.

It is made clear that in case, the petitioner does not comply with

the above said conditions, the present petition would be deemed to have been dismissed.

(VIKAS BAHL)
JUDGE

November 02, 2022
Davinder Kumar

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