

**(123) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-50862-2022

Date of Decision: 15.11.2022

Inderjit Singh @ Inder

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present : Mr. Lakhwinder Singh Lakhanpal, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, Sr. D.A.G. Punjab.

VIKAS BAHL, J. (Oral)

This petition under Section 482 of Cr.P.C. for quashing of impugned order dated 23.09.2022 passed by the Special Court, Amritsar, whereby bail order of the petitioner stands cancelled and bail bond and surety bond are forfeited to the State and non-bailable warrants were issued against him in case FIR No.14 dated 19.01.2019, under Section 22 of NDPS Act, Police Station Majitha, District Amritsar (Rural).

Learned counsel for the petitioner has submitted that the petitioner was made an accused in a case involving non-commercial quantity and was granted bail by the Judge Special Court, Amritsar, vide order dated 18.02.2019. Thereafter, he was regularly appearing before the trial Court and was even present at the time of the framing of charges but subsequently could not appear on 20.7.2022 as well as 23.09.2022 on account of the fact that there was a dispute with his wife and his wife had left the matrimonial house leaving behind their minor daughter and the petitioner was under great stress. It is also stated that on the said dates when the petitioner could not appear before the trial Court, no prosecution witness

was present. It is further submitted that the petitioner undertakes to appear before the trial Court within a period of two weeks from today and would also give an undertaking that he would appear before the trial Court on each and every date fixed. The petitioner is also ready to deposit an amount of Rs.5000/- with the Advocates Welfare Benevolent Fund.

Notice of motion.

Mr. Ramdeep Partap Singh, Sr. D.A.G. Punjab, accepts notice and has opposed the present petition by stating that the petitioner was well aware about the proceedings and thus, his non appearance is intentional and the impugned order was rightly passed.

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

It is the case of the petitioner that he was released on regular bail vide order dated 18.02.2019 passed by the learned Special Judge, Amritsar and that he had been regularly appearing before the trial Court. During the course of arguments, learned counsel has placed on record order dated 2.12.2021, marked as Mark-A, as per which, the petitioner was present at the time of framing of charges and it was stated that the petitioner is on bail. It is further the case of the petitioner that he could not appear before the trial Court on 20.07.2022 and 23.09.2022 on account of the fact that his wife had left the matrimonial home leaving behind their minor daughter, thereby causing a lot of stress for the petitioner. A perusal of the order dated 20.7.2022 and 23.9.2022 would show that no prosecution witness was present on the said dates.

Keeping in view the above facts and circumstances, this petition is allowed and the order dated 23.09.2022 passed by the Special

Court, Amritsar, is set aside, subject to the petitioner appearing before the trial Court within a period of two weeks from today and subject to him giving an undertaking that he would appear before the trial Court on each and every date as fixed by it, unless his personal appearance is specifically exempted. The petitioner shall also deposit an amount of Rs.5000/- with the Advocates Welfare Benevolent Fund within the aforesaid period.

It is made clear that in case any of the aforesaid conditions are not fulfilled, the present petition would be deemed to have been dismissed.

(VIKAS BAHL)
JUDGE

15.11.2022
rajeev

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