

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-52555 of 2022

Date of Decision:15.11.2022

Kartar Singh

-----Petitioner

vs.

State of Punjab

-----Respondent

Coram: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Karandeep S.Sidhu, Advocate,
for the petitioner
Mr. J.P.Ratra, Sr. DAG, Punjab

JAGMOHAN BANSAL (ORAL)

Through instant petition under Section 482 of Code of Criminal Procedure, 1973, the petitioner is seeking quashing of order dated 10.5.2022 (Annexure P-4) passed by Judge, Special Court, Moga whereby bail bonds furnished by the petitioner have been cancelled and non-bailable warrants of arrest are issued against the petitioner and order dated 15.9.2022 passed by the same court whereby proclamation under Section 82 CrPC was issued against the petitioner in FIR No. 274 dated 15.11.2021, under Section 21 of NDPS Act, registered at Police Station City South Moga.

Learned counsel for the petitioner submits that petitioner was extended concession of regular bail vide order dated 24.12.2021 passed by Judge Special Court, Moga. The challan was present on 11.4.2022 i.e. after the expiry of four months from the grant of regular bail to the petitioner. The petitioner failed to appear on 10.5.2022 and on the same day learned Special Judge ordered to cancel bail bonds and further issued non-bailable warrants of arrest.

Notice of Motion.

On the asking of the Court Mr. J.P.Ratra, Sr.DAG, Punjab, who is present in Court, accepts notice on behalf of respondent-State and fairly does not dispute the facts, however, prays for imposition of costs.

The petitioner was granted bail. Right of personal liberty granted by Article 21 of the Constitution of India is one of the most pious and important fundamental right guaranteed by our Constitution. Arrest not only deprives right of personal liberty but also causes mental agony, stress and tarnish reputation of entire family. There is certainly lapse on the part of petitioner and reasons advanced are not much convincing, however, keeping in view facts and circumstances, I deem it appropriate to allow the present petition and to extend concession of bail to the petitioner, subject to furnishing of fresh bail bonds to the satisfaction of learned Trial Court. The petitioner is directed to appear before learned Trial Court on 21.11.2022 and furnish fresh bail bonds alongwith costs of Rs. 10,000/- to be paid to the District Legal Services Authority, Moga.

Disposed of in above terms.

(JAGMOHAN BANSAL)
JUDGE

November 15, 2022
paramjit

Whether speaking or reasoned: Yes
Whether reportable :Yes/No