

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

CRM-M-52743-2022

Date of Decision: 16.11.2022

KAUSHAL

..... Petitioner

Versus

STATE OF PUNJAB

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Madan Sandhu, Advocate
for the petitioner.

Mr. J.P. Ratra, Sr. DAG, Punjab.

JAGMOHAN BANSAL, J. (Oral)

Through instant petition under Section 482 of Code of Criminal Procedure, 1973, the petitioner is seeking quashing of order dated 28.9.2022 (Annexure P-6) passed by Judge Special Court, Kapurthala, whereby bail bonds and surety bonds furnished by the petitioner have been cancelled and non-bailable warrants of arrest are issued against the petitioner in FIR No. 57 dated 25.5.2017, under Section 21 and 22 of NDPS Act, 1985 registered at Police Station Talwandi Chaudarian, District Kapurthala.

Learned counsel for the petitioner submits that on account of implication of petitioner in another FIR on the basis of statement of co-accused, the petitioner could not appear on 27.07.2022 and matter was adjourned for 28.09.2022 and on the same date impugned order was passed.

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.

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 the fact that petitioner was granted regular bail, trial is pending since 2017 and petitioner is willing to face the trial, I deem it appropriate to allow the present petition and to extend concession of bail to the petitioner. The petition is allowed 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 24.11.2022 and furnish fresh bail bonds/surety bonds to its satisfaction. The petitioner, as agreed, shall pay costs of Rs. 10,000/- to be paid to the District Legal Services Authority, Kapurthala.

Disposed of in above terms.

(JAGMOHAN BANSAL)
JUDGE

16.11.2022

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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>