

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.132

Case No. : CRM-M-54557-2022

Date of Decision : December 05, 2022

Rashpal Kumar		Petitioner
vs.		
State of Punjab		Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

* * *

Present : Mr. Ashish Bakshi, Advocate
for the petitioner.

Ms. Himani Arora, AAG, Punjab.

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GURBIR SINGH, J. :

This is a petition under Section 482 Cr.P.C. filed by the petitioner to quash the impugned order dated 25.08.2022 (Annexure P-2) whereby bail of the petitioner was cancelled and non-bailable warrant against the petitioner was issued by learned Additional District Judge, Special Court, Ludhiana, in case FIR No.114 dated 10.08.2017, registered under Section 22 of the NDPS Act, 1985, Section 61/1/14 of Excise Act and Section 473 of IPC, at Police Station Division No.1, Ludhiana.

Notice of motion.

Ms. Himani Arora, AAG, Punjab, who is present in the Court, accepts notice on behalf of respondent – State.

Learned counsel for the petitioner states that on 25.08.2022, the petitioner could not appear in the Court below. An application was moved for exemption from personal appearance but the same was declined and bail already granted to the petitioner was cancelled. His bail bonds and surety bonds were forfeited to the State.

Learned counsel for the petitioner states that absence of the petitioner was not intentional but circumstances were beyond his control.

Heard.

A perusal of the file would show that application for exemption from personal appearance was moved on behalf of co-accused Amit Singh and not on behalf of the present petitioner Rashpal Singh. There is no mention in the order dated 25.08.2022 that any such application was moved by the petitioner. Rather, the Court below was of the view that the petitioner was intentionally not appearing in the Court and was absent without any intimation. In these circumstances, since the petitioner failed to appear before the Court on 25.08.2022, the concerned Court was competent to cancel the bail granted to the petitioner. Therefore, no ground to interfere in the impugned order passed by the said Court.

Dismissed.

However, in case the petitioner surrenders in the Trial Court within a week and move an application for bail, then his bail application would be decided within three days by the Trial Court, taking into consideration the averments raised by the petitioner before the Court.

December 05, 2022

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**(GURBIR SINGH)
JUDGE**

<i>Whether speaking/reasoned ?</i>	<i>Yes/No.</i>
<i>Whether reportable ?</i>	<i>Yes/No.</i>