

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.130

Case No. : CRM-M-54443-2022

Date of Decision : December 05, 2022

Gaur Singh @ Gora		Petitioner
vs.		
State of Punjab		Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

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Present : Mr. Monty Goyal, 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 16.11.2022 (Annexure P-4) whereby bail of the petitioner was cancelled and non-bailable warrant against the petitioner was issued by learned Additional District Judge, Ludhiana, in case FIR No.0007 dated 28.01.2020, registered under Section 15 of the NDPS Act, 1985, at Police Station Hathur, District Ludhiana (Rural).

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 16.11.2022, fresh non-bailable warrant against the petitioner was issued as the petitioner could not appear before the Court below as he had noted down the wrong date and was not aware about the correct date fixed in the Court.

Learned counsel for the petitioner states that absence of the petitioner was not intentional and he is ready to appear before the Court on each and every date.

Heard.

A perusal of the file would show that non-bailable warrant of the petitioner was initially issued on 06.04.2022 when he appeared to fail before the Court below, then on 28.09.2022, when he was not served and again on 16.11.2022, with a direction that warrant of attachment of the property of the petitioner be also issued.

In these circumstances, since the petitioner repeatedly failed to appear before the Court, the concerned Court was competent to cancel the bail granted to the petitioner and issue non-bailable warrant against the petitioner. Therefore, no ground is made out to interfere in the impugned order passed by the said Court.

Dismissed.

However, in case the petitioner surrenders in the Trial Court within ten days 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

monika

**(GURBIR SINGH)
JUDGE**

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