

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

134

CRM-M-56670-2022

Date of Decision: 05.12.2022

Balkaran Singh @ Balkarn Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Neeraj Jain, Advocate
for the petitioner.

JAGMOHAN BANSAL, J. (Oral)

Through instant petition under Section 482 of Code of Criminal Procedure, 1973, the petitioner is seeking quashing of order dated 22.04.2022 (Annexure P-1) passed by learned Special Court, Moga whereby bail bonds furnished by the petitioner have been cancelled and surety bonds are forfeited in Case No. NDPS 523/2018, under NDPS Act.

Learned counsel for the petitioner submits that FIR was registered on 02.01.2018 and challan was presented on 30.07.2018. The petitioner was arrested and thereafter released on bail vide order dated 23.01.2018 passed by Judge, Special Court, Moga. The petitioner could not appear on 22.04.2022 and learned trial Court has ordered to summon the petitioner through non-bailable warrants. The petitioner is not involved in any other case. He further undertakes to appear on each and every date. The petitioner is ready to pay costs of Rs.10,000/-for wasting valuable time of Court and prosecution.

Notice of motion.

Mr. Amish Sharma, Asstt. A.G., Punjab, accepts notice on behalf of the respondent-State and does not controvert the above-stated facts, however, prays for costs.

Intent of arrest and reason of denial of bail is to secure the appearance of the accused at the time of trial. A person who seeks to be liberated must take judgment and serve sentence in the event of his conviction. The nature of the crime charged, severity of punishment prescribed, prime facie available evidences, history & background of the accused may indicate that any amount of bond and surety is not going to secure presence of accused, at the time of conviction.

Keeping in mind:

- i) The object of cancellation of bond or declaration of anyone as proclaimed offender/person is to secure his presence. The petitioner has come forward to face trial and undertakes to appear before trial court on each and every date, thus, his presence would meet ends of justice;
- ii) The Petitioner is ready to furnish bond/surety to the satisfaction of the trial court;
- iii) The petitioner is resident of District Sri Muktsar Sahib and trial is pending at Moga, thus, jurisdictional court and police authorities have direct access over the activities of the petitioner.
- iv) The petitioner was earlier on bail and is ready to face trial, thus, no prejudice is going to cause to prosecution or complainant;
- v) Trial is pending since 2018 and it is in the interest of

justice that trial is concluded at the earliest;

this court is of the considered opinion that present petition needs to be allowed, and accordingly, petition is allowed. The petitioner is directed to appear on or before Trial Court on 22.12.2022 and furnish fresh bail bond/surety bond. The petitioner, as agreed shall pay costs of Rs.10,000/- to District Legal Services Authority, Moga.

Disposed of.

(JAGMOHAN BANSAL)
JUDGE

05.12.2022
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>