

124

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

CRM-M-57307-2022

Date of decision : 08.12.2022

Manbir Singh @ Minta

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Roopak Bansal, Advocate for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 of Cr.P.C. for quashing of order dated 25.08.2022 (Annexure P-4) passed by the Judge Special Court, Ludhiana, whereby the bail of the petitioner has been cancelled and warrants of arrest have been issued against him in FIR No.86 dated 27.05.2020 registered under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Sadar Khanna, District Khanna, Punjab.

Learned counsel for the petitioner has submitted that the petitioner was granted the concession of regular bail vide order dated 16.06.2020 passed by the Judge, Special Court, Ludhiana and the quantity involved in the present case is of non-commercial quantity. Learned counsel for the petitioner has handed over a photocopy of order dated 16.06.2020 passed by the Judge, Special Court, Ludhiana, during the course of

arguments which is taken on record and same is marked as Mark "A". It is further submitted that the petitioner could not appear on 25.08.2022 as he was arrested in another case and was ultimately, granted bail by this Court vide order dated 29.09.2022 in the said case. It is contended that a perusal of abovesaid order dated 25.08.2022 would show that no prosecution witness was present on the said date. It is further contended that the petitioner would appear within a period of two weeks from today before the trial Court and would also give an undertaking that he would appear before the trial Court on each and every date unless his appearance is specifically exempted by the Court.

On the other hand, learned State Counsel has opposed the present petition and submitted that the petitioner was well aware about the date of hearing before the trial Court i.e. 25.08.2022 and thus, the impugned order had rightly been passed.

This Court has heard the learned counsel for the parties and has perused the record.

In the present case, the petitioner had been granted the concession of regular bail vide order dated 16.06.2020 passed by the Special Court, Ludhiana and the quantity involved in the present case is of non-commercial quantity. On 25.08.2022, the petitioner could not appear on account of the fact that he was arrested in another case and was ultimately, granted bail by this Court vide order dated 29.09.2022 in the said case. A perusal of abovesaid order dated 25.08.2022 would show that no prosecution witness was present on the said date.

Learned counsel for the petitioner has already submitted that

the petitioner has undertaken to appear before the trial Court within a period of two weeks from today and to also appear on each and every date before the trial Court unless his personal appearance is specifically exempted by the trial Court.

Keeping in view the abovesaid facts and circumstances, the present petition is allowed and the impugned order dated 25.08.2022 (Annexure P-4) is set aside subject to the petitioner appearing before the trial Court within a period of two weeks from today and on his appearance, the trial Court is directed to release the petitioner on bail on his furnishing bail bonds/surety bonds to the satisfaction of the concerned trial Court. The same would also be subject to the petitioner depositing an amount of Rs.5000/- with the High Court Lawyers' Welfare Fund within the stipulated time and would also be subject to the petitioner giving an undertaking to the trial Court that he would appear before the trial Court on each and every date unless his appearance is specifically exempted by the Court.

It is, however, clarified that in case, the abovesaid conditions are not complied with within the stipulated period, then the present petition would be deemed to have been dismissed.

08.12.2022*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:-****Yes/No****Whether reportable:-****Yes/No**