

124 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-60188-2022

Date of Decision:22.12.2022

JAGTAR SINGH@JAGGA

..... Petitioner

Versus

STATE OF PUNJAB

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Sukhmeet Singh, 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 20.07.2022 (Annexure P-3) passed by Judge Special Court, Tarn Taran whereby bail bonds furnished by the petitioner have been cancelled and non-bailable warrants of arrest are issued against the petitioner in FIR No.31 dated 01.03.2020 under Sections 21 and 29 of NDPS Act, 1985 at Police Station Sadar Patti, District Tarn Taran.

Learned counsel for the petitioner *inter alia* contends that petitioner was arrested and thereafter released on regular bail vide order dated 30.04.2020 passed by Judge Special Court, Tarn Taran. The petitioner failed to appear before Trial Court after 21.01.2022 and on 20.07.2022 learned Trial Court cancelled bail bonds of the petitioner and issued non-bailable warrants of arrest. The lapse was unintentional and petitioner is ready to pay costs of Rs.25,000/-. The petitioner undertakes to appear on each and every date.

Notice of motion.

On the asking of Court, Mr. Amish Sharma, AAG, Punjab accepts notice on behalf of the State. He does not dispute the above stated factual position. He has no objection, if petition is disposed of subject to 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 for wasting valuable time and energy of courts as well prosecution is willing to pay costs of Rs.25,000/-;
- iii) The Petitioner is ready to furnish bond/surety to the satisfaction of the trial court;
- iv) The petitioner was initially granted regular bail by learned Trial Court, Tarn Taran;
- v) Trial is pending since 2020 and petitioner is ready to face trial, thus, no prejudice is going to cause to prosecution or

complainant;

- vi) The petitioner is resident of Ferozpur and trial is pending at Tarn Taran, thus jurisdictional court and police authorities have direct access over the activities of the petitioner;

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 before learned Trial Court on or before 10.01.2023 and on his doing so, the Trial Court shall admit him to bail on furnishing fresh bail bonds alongwith costs of Rs.25,000/- to be paid to the PGI Poor Patient Welfare Funds, Chandigarh.

Disposed of in above terms.

(JAGMOHAN BANSAL)
JUDGE

22.12.2022
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>