

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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**CRM-M-664 of 2023
Date of decision : 09.01.2023**

Jaspal Singh and another

.....Petitioners

VERSUS

State of Punjab

.....Respondent

CORAM: HON'BLE MR JUSTICE HARKESH MANUJA

Present:- Mr. Monty Goyal, Advocate, for the petitioners.

HARKESH MANUJA, J. (Oral)

By way of present petition, challenge has been made to an order dated 17.10.2022 (Annexure P-2) passed by Additional Sessions Judge, Ludhiana, whereby, non-bailable warrants of the petitioners have been issued on account their non-appearance before the Court below by cancelling their bail bonds and forfeiture of surety bonds.

Notice of motion.

Mr. Tarun Aggarwal, Sr. DAG, Punjab, accepts notice on behalf of respondent-State.

In the present case, FIR No.209 dated 22.12.2018 for the offence under Sections 21/29/61/85 of NCPS Act 1985 at Police Station Machhiwara, District Ludhiana, was registered against the petitioners with the allegations of conscious possession of 5 grams of heroin. In the aforesaid FIR, the petitioners were granted regular bail by Special Court, Ludhiana vide orders dated 20.02.2019 and 30.04.2019 respectively and since then, the petitioners have been appearing before the trial Court on each and every date.

Learned counsel for the petitioners submits that on 17.10.2022, the petitioners could not appear before the trial Court on account of having noted down

wrong date as informed by the Clerk of their trial Court counsel, resulting into

cancellation of their bail bonds and forfeiture of their surety bonds. Learned counsel for the petitioners submits that vide impugned order dated 17.10.2022 (Annexure P-2), the trial Court even ordered for issuance of non-bailable warrants against the petitioners.

I have heard learned counsel for the petitioners and gone through the paper book.

A perusal of the zimni orders attached along with the petition as Annexure P-4 (colly.) shows that the petitioners have been appearing before the Court regularly for the past almost 4 years and their non-appearance on 17.10.2022 appears to be for genuine reasons without there being any *mala fide* attributable to them.

In view of the above and since, it is first default on the part of the petitioners, impugned order dated 17.10.2022 (Annexure P-2) passed by the Additional Sessions Judge, Ludhiana, is hereby set aside, directing the petitioners to appear before the trial Court within a period of 10 days from today and furnish their bail bonds/surety bonds to the satisfaction of the trial Court concerned and they shall continue to appear thereafter. However, the aforesaid direction shall be subject to deposit of a sum of Rs. 10,000/- by the petitioners within a period of two weeks from today in the following account :

Account Name-Punjab and Haryana High Court Association
Lawyer's Family Welfare Fund.
Account No. 41564846387.
Bank Name. SBI High Court Branch.

The petition stands disposed of.

(HARKESH MANUJA)
JUDGE

09.01.2023

anil

Whether speaking/reasoned :	Yes/No
Whether reportable	Yes/No

