

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(117)

CRM-M-1590-2023

Date of Decision: 12.01.2023

Malkiat Singh

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. Ashish Aggarwal, Advocate for the petitioner.

RAJESH BHARDWAJ.J (Oral)

The present petition has been filed under 482 Cr.P.C praying for quashing the order dated 30.9.2022 (Annexure P-6) passed by the learned Addl. Sessions Judge, Tarn Taran in case FIR No.82 dated 9.12.2019 registered under sections 21, 29 of NDPS Act at Police Station, Sarai Amanat Khan, District Tarn Taran, whereby the bail/surety bonds of the petitioner were cancelled and forfeited and arrest warrants have been issued on account of his non-appearance.

Learned counsel for the petitioner submits that petitioner was granted bail and he was duly appearing before the learned Trial Court, however, due to illness of his wife he could not appear on the date fixed. It is submitted that petitioner had duly filed an application for exemption from personal appearance through his counsel, however, the same was wrongly declined. Counsel further submits that petitioner would be cautious enough in the future and would abide by the terms and conditions of the bail granted to him.

Notice of motion.

On the asking of the Court, Mr. P.S. Grewal, D.A.G., Punjab accepts notice on behalf of respondent-State.

After hearing counsel for the parties and perusing the record, this court finds that the petitioner has been regularly appearing before the Trial Court on all the dates, however, on 30.9.2022 he remained absent on account of illness of his wife. He had duly filed an application for exemption from personal appearance through his counsel.

In view of the above position, this court is of the opinion that the impugned order dated 30.9.2022 (Annexure P-6) deserves to be set aside. Accordingly, order dated 30.9.2022 (Annexure P-6) is set aside, subject to payment of Rs.25,000/- to be deposited with the Poor Patients' Welfare Fund, P.G.I.M.E.R., Chandigarh by the petitioner. Petitioner is directed to surrender before the learned Trial Court and file appropriate application within a period of 10 days from today and on his doing so, the learned Trial Court would grant him bail subject to his furnishing fresh bail/surety bonds to its satisfaction. Petitioner is also directed to furnish receipt of costs of Rs.25,000/- at the time of surrender before the learned Trial Court.

Petition is disposed of in the above terms.

(RAJESH BHARDWAJ)
JUDGE

12.01.2023

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No