

CRM-M-3617-2023

Date of Decision: 23.01.2023

Amanpreet Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Karambir Singh Kahlon, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (ORAL)

The petitioner has filed the present petition seeking quashing of the impugned order dated 09.08.2022 passed in FIR No.24 dated 28.01.2020 for the offence under Section 15, 61, 85 of NDPS Act, registered at Police Station Dinanagar, District Gurdaspur.

It has been contended by learned counsel for the petitioner that the petitioner was allegedly prosecuted for the recovery of 40 kgs poppy husk, which is non-commercial quantity. He submits that the petitioner was granted regular bail, however, there was a miscommunication with his counsel regarding date fixed in the trial Court, and thus, he unintentionally remained absent on 09.08.2022. He has submitted that on account of the same, his bails bonds were cancelled and bail and surety bonds were forfeited to the State. He further submits that the petitioner has no criminal antecedents and he is ready to appear before the trial Court.

Notice of motion.

Mr. P.S. Grewal, DAG, Punjab, accepts notice on behalf of the State.

Heard.

After hearing learned counsel for the parties and perusing the

record, it is evident that on 09.08.2022, the petitioner remained absent on account of his being unwell and he had intimated to his counsel and requested for exemption from his personal appearance, which was not done and due to non-appearance of the petitioner, his bail was cancelled and bail bonds/surety bonds were forfeited to the State and he was ordered to be summoned through non-bailable warrants. In these circumstances, when the petitioner is ready to join the proceedings and face the trial, the impugned order dated 09.08.2022 is set aside subject to payment of Rs.10,000/- as costs to be deposited with the Poor Patients' Welfare Fund, PGIMER, Chandigarh by the petitioner within a period of one week from today.

The petitioner is directed to appear before the trial Court within 10 days from today and produce the receipt of abovesaid costs alongwith appropriate application and the trial Court would admit him to bail on his furnishing fresh bail/surety bonds to its satisfaction. The petitioner will have protection from arrest for a period of 10 days.

Needles to say that in case the petitioner fails to comply with the abovesaid direction, this order would be of no avail and the order dated 09.08.2022 will come in force.

23.01.2023

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Whether Speaking/Reasoned :

Whether Reportable :

(RAJESH BHARDWAJ)**JUDGE**

Yes/No

Yes/No