

122 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-2223-2023

DATE OF DECISION:-16.01.2023

Harmandeep Singh

...Petitioner.

Vs

State of Haryana

...Respondent..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Hasrat Brar, Advocate,
for the petitioner.

Mr. Sumit Jain, Additional Advocate General, Haryana,
for respondent-State.

HARKESH MANUJA, J. (ORAL)

By way of present petition under Section 482 Cr.P.C., prayer has been made for quashing of order dated 30.11.2022 passed by the court of learned Additional Sessions Judge, Panchkula, whereby, the bail bonds were cancelled, surety bonds forfeited and non-bailable warrants issued against the petitioner.

As per the averments made in the petition, the petitioner was named as an accused in FIR No.43 dated 23.02.2018, under Sections 21,61, 85 of NDPS Act, Police Station Chandimandir, District Panchkula for having alleged possession of 30 grams of *heroin*. The petitioner was granted concession of regular bail by the court of learned Additional Sessions Judge, Panchkula, vide order dated 13.04.2018 and since then, he has been appearing before the trial court regularly but for 30.11.2022, on which date, he absented himself on account of his own marriage fixed, which was for

02.12.2022, resulting into cancellation of bail bonds, forfeiture of surety bonds, followed by issuance of non-bailable warrants.

Learned counsel for the petitioner submits that the petitioner is a law abiding citizen, having great respect for law and courts and he has been appearing before the trial court since the date of grant of regular bail to him. He further submits that the petitioner could not appear on 30.11.2022, on account of his own marriage fixed for 02.12.2022 and this fact was duly conveyed to his counsel appearing before the trial court, who again on account of marriage of his own daughter fixed for 03.12.2022, could not represent the petitioner on the date fixed, resulting into passing of the impugned order.

Learned counsel for the petitioner further submits that the petitioner undertakes to appear before the trial court on each and every date, unless granted exemption specifically.

Notice of motion.

On the asking of the Court, Mr. Sumit Jain, Additional Advocate General, Haryana accepts notice on behalf of the respondent- State. He submits that there is no other FIR pending against the petitioner, however, non-appearance of the petitioner was a deliberate attempt to delay the trial, as on the date fixed, prosecution witnesses were present in court for the purpose of their deposition.

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

Considering the fact that the petitioner has been regularly appearing before the trial court since the date of grant of regular bail in his

favour and the fact that the marriage of the petitioner was fixed for 02.12.2022, besides the marriage of daughter of his counsel, fixed for 03.12.2022, the reasons of his non-appearance before the trial court though may not be justified, however, appears to be genuine and bonafide.

In view of the facts and circumstances narrated above, the order dated 30.11.2022 is set aside. As such, the present petition is disposed of with the direction to the petitioner to surrender before the trial court within a period of 15 days from today and move an application for grant of regular bail, which shall be disposed of on the same day by accepting bail bonds and surety bonds to be furnished by the petitioner, as per the satisfaction of the trial court.

The aforesaid order is subject to deposit of a sum of Rs.5,000/- by the petitioner in the following account:-

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

16.01.2023

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(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No

whether reportable: Yes/No