

CRM-M-2213-2023

Date of Decision: 16.01.2023

Ripu Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

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

Present: Mr. Chandan Singh Rana, Advocate, for the petitioner.

**Rajesh Bhardwaj, J. (ORAL)**

The petitioner has filed the present petition seeking quashing of impugned order dated 06.07.2022 passed by the learned Special Court, Ludhiana, whereby, bail of the petitioner was cancelled and his bail bonds/surety bonds were forfeited to the State and he was ordered to be summoned through non-bailable warrants in case FIR No.199 dated 10.09.2019, registered under Section 22 of NDPS Act, 1985 registered at Police Station Samrala, District Khanna.

Learned counsel for the petitioner has submitted that the petitioner is resident of Jammu and Kashmir and he was granted regular bail by this Court. He has drawn the attention of this Court to the zimini orders to show that the case was being adjourned due to on going pandemic. He has submitted that due to miscommunication of his counsel, he was not aware of the date fixed and only on account of the same, he remained absent on 06.07.2022 and his bail was cancelled and bail bonds were forfeited. He submits that the absence of the petitioner was totally unintentional and bonafide and he undertakes not to repeat the same in future.

Notice of motion.

Mr. P.S.Grewal, Deputy Advocate General, Punjab, accepts notice on behalf of the State.

After hearing learned counsel for the parties and perusing the record, it is evident that the FIR was registered in the year 2019 i.e. a few months prior to onset of pandemic. A perusal of the file shows that as per the order dated 06.01.2020, the petitioner had appeared before the trial Court and the charges were framed and the case was adjourned for 30.03.2020 for prosecution evidence. Thereafter due to pandemic, the case was adjourned time and again and ultimately on 06.07.2022, 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 06.07.2022 is set aside subject to payment of Rs.35,000/- 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.

Needless to say that in case the petitioner fails to comply with the abovesaid direction, this order be of no avail and the order dated 06.07.2022 will come in force.

16.01.2023  
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Whether Speaking/Reasoned  
Whether Reportable

(RAJESH BHARDWAJ)  
JUDGE

: Yes/No  
: Yes/No