

**118 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**CRM-M-4389-2023**

**Date of Decision: January 27, 2023**

**HARJIT SINGH ALIAS JITA**

..... Petitioner

Versus

**STATE OF PUNJAB**

..... Respondent

**CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA**

Present: Mr. Manoj R. Sharma, Advocate  
for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

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**HARKESH MANUJA, J. (ORAL)**

By way of present petition filed under Section 482 of Cr.P.C., prayer has been made for setting aside the order dated 18.10.2022 whereby the bail bonds of the petitioner were cancelled, surety bonds forfeited followed by issuance of non-bailable warrants against him.

The facts of the case are that the petitioner was implicated in case FIR No.11 dated 26.01.2018 under Sections 21, 22 of NDPS Act, P.S. Fatehgarh Churian, District Gurdaspur, wherein, he was granted concession of bail on 19.03.2018 and since then was appearing before the trial Court but for 18.10.2022 when on account of ill-health of close family member he could not present himself before the Court, resulting into cancellation of his bail bonds and issuance of non-bailable warrants vide impugned order dated 18.10.2022.

Learned counsel for the petitioner submits that the non-appearance of the petitioner on 18.10.2022 was neither intentional nor

willful but on account of reasons beyond his control. He also submits that the petitioner has been regularly appearing before the trial Court since the date of grant of concession of regular bail in his favour and undertakes to face the trial.

On the other hand learned State counsel submits that the non-appearance of the petitioner, in the facts and circumstances of the present case show that the same was in order to delay the proceedings in the trial as the prosecution witnesses were even present on the date of his non-appearance.

I have heard learned counsel for the parties and gone through the paper-book. I find substance in the submissions made by learned counsel for the petitioner.

Having granted the concession of regular bail vide order dated 19.03.2018, the petitioner has been continuously appearing before the trial Court without absenting himself unless ordered by the Court and his non-appearance on 18.10.2022, appears to be for bona fide reasons and on account of ill-health of one of his family members. There does not appear to be any plausible reason to disbelieve the petitioner at this stage.

With the aforesaid observations the present petition is allowed. The impugned order dated 18.10.2022 passed by trial Court is set aside with a direction to the petitioner to surrender before the trial Court within two weeks from today and file his bail application along with bail bonds/surety bonds to the satisfaction of the trial court. The aforesaid order shall however be subject to payment of cost of

**Rs.5,000/- to be deposited in the following account:-**

Account name: Punjab and Haryana high court  
Association Lawyer's Welfare Fund  
Account No: 41564846387  
Bank Name: S.B.I. High Court Branch.

27.01.2023  
tejwinder

( HARKESH MANUJA )  
JUDGE

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|----------------------------------|---------------|
| <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| <i>Whether Reportable</i>        | <i>Yes/No</i> |