

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

CRM-M-6443-2023

Date of Decision: 07.02.2023

Harjinder Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Kanwaljeet Singh, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (ORAL)

Prayer in the present petition is for quashing of the impugned order dated 08.08.2022 passed by learned Additional Sessions Judge, Ludhiana in State vs. Harjinder Singh, whereby, bail bonds of the petitioner were cancelled and forfeited to the State and non-bailable warrants have been issued against the petitioner in FIR No.302, dated 28.09.2017, registered under Section 22 of the NDPS Act, at Police Station Sidhwan Bet, District Ludhiana Rural.

It has been contended by learned counsel for the petitioner that the the alleged recovery was non-commercial. He submits that petitioner was arrested and was granted bail by the learned trial Court on 02.07.2021 and thereafter, he was regularly appearing before the Court. He submits that due to wrong date given by his counsel, the petitioner could not appear before the Court on 08.08.2022 and even his counsel failed to appear before the Court and on account of the same, his bail was cancelled and bail bonds were forfeited to the State and he was summoned through non-bailable warrants. He submits that absence of the petitioner was totally unintentional and due to the circumstances beyond his control. He further submits that the petitioner has no criminal antecedents and he is ready to appear before the trial Court and abide by all the terms and condition imposed by this Court.

Notice of motion.

Mr. Sandeep Kumar, Deputy Advocate General, 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 08.08.2022, the petitioner remained absent on account of wrong noting of the date and even his counsel did not appear before the Court and due to non-appearance of the petitioner, his bail was cancelled and bail bonds/surety bonds were forfeited to the State. In these circumstances, when the petitioner is ready to join the proceedings and to face the trial, the order dated 08.08.2022 is set aside subject to payment of Rs.15,000/- 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 from today.

Needless 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 08.08.2022 will come in force.

11.01.2023
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Whether Speaking/Reasoned
Whether Reportable

(RAJESH BHARDWAJ)
JUDGE

: Yes/No
: Yes/No