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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-6383-2023

Date of Decision: February 07, 2023

Harmesh Singh alias Harmesh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Ms.Jasneet Mehra Advocate for
Ms.Rishma Verma, Advocate
for the petitioner.

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RAJESH BHARDWAJ, J.(ORAL)

Learned counsel for the petitioner has stated that the petitioner has challenged the order dated 15.09.2022 when due to absence, his bail/surety bonds were cancelled and his non-bailable warrants were issued. She has prayed for treating this petition under Section 482 Cr.P.C. as well.

Allowed as prayed for.

Petitioner has approached this Court for grant of anticipatory bail and also impugned the order dated 15.09.2022 vide which bail granted to the petitioner in case FIR No.133, dated 05.10.2019, under Sections 21/22/29/61/85 of NDPS Act and Section 489-A, 489-B and 489-C IPC, registered at Police Station Makhu, District Ferozepur, was cancelled and the bail bonds were forfeited to the State and petitioner was ordered to be summoned through non-bailable warrants.

It has been submitted by counsel for the petitioner that petitioner was granted interim bail by the learned trial Court on 26.11.2019. However, on account of ill health of his minor son, he could not appear before the Court on the date fixed, i.e. 15.09.2022. It has been submitted that the petitioner informed his counsel, however, the same could not be conveyed to the Court. She further submits that absence of the petitioner was totally bona fide and he had been appearing regularly in this case. He

submits that the learned trial Court has cancelled the bail bonds vide

impugned order dated 15.09.2022 without appreciating the facts and circumstances of the case, which restrained the petitioner from appearing on the date fixed. She submits that petitioner will be conscious enough and undertakes not to repeat this mistake in future and he will abide by all terms and conditions of bail.

Notice of motion.

On the asking of the Court, Mr.Sandeep Kumar, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondent/State. He has opposed the submission made by learned counsel for the petitioner.

After hearing the counsel for the parties and perusing the record, it is apparent that though the petitioner is being prosecuted for the offence under Sections 21/22/29/61/85 of NDPS Act and Section 489-A, 489-B and 489-C IPC, however, it is not disputed that he was granted interim bail by the trial Court on 26.11.2019 and he remained absent on 15.09.2022 resulting in forfeiture of his bail/surety bonds. Keeping in view the fact that the petitioner remained absent only on one date and was appearing continuously since beginning of the trial and also the assurance given that he would not repeat such type of mistake in near future, the present, petition is disposed of. Order dated 15.09.2022 is set aside subject to payment of Rs.25,000/- as costs to be deposited with the Poor Patients' Welfare Fund, PGIMER, Chandigarh, by the petitioner within a period of one week from today. In case, the petitioner appears and surrenders before the Court concerned within a period of 10 days from today and produce receipt of abovesaid costs and files an application for bail, the Court concerned would grant him interim bail to its satisfaction. He 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, he will have no benefit of abovesaid protection granted by this Court and order under challenge dated 15.09.2022 would come in force.

February 07, 2023
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(RAJESH BHARDWAJ)
JUDGE