

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

CRM-M-6482-2023

Date of Decision: February 09, 2023

Gurcharan Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Prateek Pandit, Advocate for the petitioner.

HARKESH MANUJA, J (ORAL)

By way of present petition under Section 482 Cr.P.C., prayer has been made for setting aside the order dated 30.09.2022 (P-5) passed by Learned Judge, Special Court, Kapurthala; whereby bail bonds of the petitioner were cancelled and surety bonds forfeited followed by issuance of non-bailable warrants against him.

Having been arrayed as an accused in FIR No.124 dated 03.07.2021, under Sections 21, 22, 29 of NDPS Act, 1985, registered at Police Station Subhanpur, District Kapurthala, besides 04 others, the petitioner was granted the concession of regular bail on 16.08.2021. After submission of challan, the petitioner continued to appear before the trial Court; but for 30.09.2022, on account of having noted down a wrong date, the petitioner could not appear before the trial Court resulting into cancellation of his bail bonds, forfeiture of surety bonds and issuance of non-bailable warrants

against him vide order dated 30.09.2022, which has been impugned by way of present petition.

Learned counsel for the petitioner submits that non-appearance of the petitioner was wholly unintentional as he had been regularly appearing before the trial Court since the grant of regular bail, having no intention to delay the proceedings. He again submits that the petitioner shall continue to appear before the trial Court and thus, prays for setting aside of the order dated 30.09.2022.

Notice of motion.

Mr. Tarun Aggarwal, Sr. DAG, Punjab, who is present in Court, accepts notice on behalf of the respondent-State and opposed the prayer by submitting that the only purpose of non-appearance of the petitioner before the trial Court was to delay the proceedings.

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

Having been granted the concession of regular bail vide order dated 16.08.2021, petitioner has been regularly appearing before the trial Court and facing the proceedings pending against him; but for 30.09.2022. There does not appear to be any reason to disbelieve the stand taken by the petitioner as regards noting down the wrong date. More than that, the petitioner is willing to face the proceedings before the trial Court.

Resultantly, the present petition is allowed. Impugned order dated 30.09.2022 is hereby set aside. Petitioner is directed to surrender before the trial Court within a period of 02 weeks’ from today and furnish fresh bail bonds/ surety bonds to its satisfaction and on his doing so, he shall be released on regular bail subject to any other condition imposed by learned trial Court.

Considering the delay in approaching this Court at the hands of petitioner, the aforesaid order shall be subject to payment costs of Rs.10000/- to be deposited with the Punjab and Haryana High Court Association Lawyer’s Welfare Fund having Account No.41564846387 with State Bank of India, High Court Branch, Chandigarh, within a period of two weeks from today.

February 09, 2023 sanjay	[HARKESH MANUJA] JUDGE
Whether speaking/reasoned	yes/no
Whether reportable?	yes/no