

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

CRM-M-6817-2023

Date of decision : 09.02.2023

Vijay Soni

.....Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Deepak Kumar, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

Prayer in the present petition is for quashing of the order dated 11.05.2022 whereby the bail bond of the petitioner is forfeited and the arrest warrant has been issued against him in FIR No.0220 dated 18.06.2020, under Sections 21(b), 61, 85 of NDPS Act, registered at Police Station Sadar Fatehabad, District Fatehabad.

It has been contended by counsel for the petitioner that the petitioner was falsely implicated in this case. He submits that there was no recovery effected from the petitioner. However, he was named in the FIR on the basis of disclosure statement of co-accused from whom 21 grams of heroin was recovered. He submits that this Court had granted bail to the petitioner vide order dated 27.10.2020 passed in CRM-M-29157-2020. However, he submits that due to mis-communication with his counsel, the petitioner remained absent only on one date i.e. on 11.05.2022 due to which, his bail was cancelled and bail bonds were forfeited to the State by the trial Court. He submits that the petitioner has no criminal antecedents and he is ready to join the proceedings and abide by the terms and conditions of bail.

Notice of motion.

On asking of the Court, Mr. B.S. Virk, DAG, Haryana accepts notice on behalf of the respondent-State.

Learned State counsel has opposed the submissions made by learned counsel for the petitioner and has stated that the trial Court has rightly cancelled the bail granted to the petitioner who remained absent on 11.05.2022 without any valid reason.

After hearing counsel for the petitioner and perusing the record, it is apparent that the petitioner has no criminal antecedents and he remained absent on one day i.e. on 11.05.2022 and his bail was cancelled and bail bonds were forfeited to the State and he was ordered to be summoned through non-bailable warrants. The petitioner has explained his absence to be because of miscommunication between him and his counsel with regard to the date fixed in the trial Court. He is keen to join the proceedings. So keeping in view the abovesaid facts, the present petition is disposed of and the order dated 11.05.2022 is *set aside* subject to payment of Rs.10,000/- as costs to be deposited with the Poor Patients' Welfare Fund, PGIMER, Chandigarh by the petitioner in 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 admit him to bail in accordance with law. 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 11.05.2022 would come in force.

09.02.2023
m. sharma

(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No