

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

CRM-M-7795-2023

Date of decision : 14.02.2023

Gurpreet Singh @ Gholu

.....Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. B.S. Mamli, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

Prayer in the present petition is for quashing of the order dated 18.08.2022 whereby the bail bonds of the petitioner are forfeited and the arrest warrant has been issued against him and further allowing the petitioner to continue to appear before the trial Court in FIR No.0194 dated 29.06.2021, under Sections 20(b), 27-A, 61, 85 of NDPS Act and Section 61/1/14 of Excise Act, 1914, 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 on the basis of disclosure statement of co-accused Sonu from whom 5.35 grams of heroin and 20 bottles of illegal liquor were recovered. He submits that the disclosure statement of co-accused even otherwise is not admissible. He has submitted that the contraband recovered from the co-accused was non-commercial and hence, the petitioner was granted bail by learned trial

Court on 23.12.2021. He submits that the petitioner was duly appearing before the trial Court. However, only on one date i.e. on 18.08.2021, he remained absent due to miscommunication between him and his counsel with regard to the date fixed in the Court. He submits that the absence of the petitioner was totally unintentional and he would be conscious enough in future to abide by the terms and conditions of the orders of the Court. He submits that the petitioner is ready to join the proceedings and contest the FIR on merits.

Notice of motion.

On asking of the Court, Mr. Mr. B.S. Virk, DAG, Haryana accepts notice on behalf of the 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 18.08.2021 without any valid reason.

After hearing learned counsel for the parties, this Court is of the view that the present petition can be disposed of today itself. As the petitioner is ready to join the proceedings and no useful purpose will be served by sending him behind the bars rather it would be appropriate if he is sent to face trial of the case. So keeping in view the abovesaid contentions, the order dated 18.08.2022 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 within a 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 subject 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 18.08.2022 would come in force.

14.02.2023
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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