

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

CRM-M-10249-2023

Date of Decision: 27.02.2023

Deesho and another

..... Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Ravi Malhotra, Advocate, for the petitioners.

Rajesh Bhardwaj, J. (ORAL)

Prayer in the present petition is for quashing of the impugned order dated 16.12.2022 passed by the learned Judge, Special Court, Sri Muktsar Sahib, whereby the bail bonds/surety bonds of the petitioners have been cancelled and forfeited to the State and non-bailable warrants have been issued against them, in a case FIR No.421, dated 28.12.2020, registered under Section 15(b) of NDPS Act, 1985, at Police Station Lambi, District Muktsar Sahib.

It has been contended by learned counsel for the petitioners that the alleged recovery from the petitioners was non-commercial. He submits that petitioners were arrested and granted bail by this Court and thereafter, they were regularly appearing before the Court. He submits that as the petitioners are illiterate and noted wrong date of hearing as 16.01.2023 in place of 16.12.2022 and thus, they could not appear before the Court on 16.12.2022 and on account of the same, their bail was cancelled and bail bonds were forfeited to the State and they were ordered to be summoned through non-bailable warrants. He submits that absence of the petitioners was totally unintentional and due to the circumstances

beyond their control. He further submits that the petitioners are 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.

Learned State counsel has opposed the submissions made by learned counsel for the petitioners and has stated that the trial Court has rightly cancelled the bail of the petitioners on 16.12.2022, who remained absent without any reason.

Heard.

After hearing learned counsel for the parties and perusing the record, it is evident that on 16.12.2022, the petitioners remained absent on account of wrong noting of the date and due to non-appearance of the petitioners, their bail was cancelled and bail bonds/surety bonds were forfeited to the State. In these circumstances, when the petitioners are ready to join the proceedings and to face the trial, the order dated 16.12.2022 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 petitioners within a period of one week from today.

The present petition is disposed of and the petitioners are 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 them to bail on their furnishing fresh bail/surety bonds to its satisfaction. The petitioners will have protection from arrest for a period of 10 days from today.

Needless to say that in case the petitioners fail to comply with the abovesaid direction, this order would be of no avail and the order dated 16.12.2022 will come in force.

27.02.2023			(RAJESH BHARDWAJ)
sharmila			JUDGE
	Whether Speaking/Reasoned	:	Yes/No
	Whether Reportable	:	Yes/No