

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(115)

CRM-M-10046-2023

Date of Decision: 24.02.2023

Amit Kumar @ Amit

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. Ruhani Chadha, Advocate for the petitioner.

RAJESH BHARDWAJ.J (Oral)

The petitioner has filed the present petition seeking quashing of impugned order dated 16.9.2022 passed by learned Special Judge, Amritsar whereby non-bailable warrants have been issued against him in a case FIR No.47 dated 21.3.2020, registered under Section 21 of NDPS Act at Police Station, Mohkampur, District Amritsar.

Learned counsel for the petitioner submits that the petitioner was granted bail, however, due to the wrong noting of the date by the petitioner, he remained absent only on one date i.e. 16.9.2022 and his bail bonds were cancelled and non-bailable warrants were issued against him. He submits that the petitioner would be cautious enough in future and will not remain absent from Court and would abide by all the terms and conditions of the bail granted to him.

Notice of motion.

On asking of the Court, Mr. Sandeep Kumar, Deputy Advocate General, Punjab accepts notice on behalf of the State.

Heard.

After hearing learned counsel for the parties, this Court is of the view that the petitioner is facing trial in the above said case and remained

absent on 16.9.2022 on account of noting of wrong date of hearing and on account of this, his bail/surety bonds were cancelled and he was ordered to be summoned through non-bailable warrants. As the petitioner is ready to join the proceedings, no purpose will be served by sending him behind the bars. So keeping in view the facts and circumstances of the case, the present petition is disposed of and the order dated 16.9.2022 is set aside subject to payment of Rs.10,000/- as costs to be deposited by the petitioner with the Poor Patients' Welfare Fund, PGIMER, Chandigarh within a period of one week from today.

The petitioner is directed to appear and surrender before the trial Court within 10 days from today and file appropriate application along with receipt of costs and the said court would admit him to bail subject to its satisfaction. The petitioner will have protection from arrest for a period of 10 days.

Needless to say that in case the petitioner fails to comply with the above said direction, this order would be of no avail and the order dated 16.9.2022 will come in force.

(RAJESH BHARDWAJ)
JUDGE

24.02.2023

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No