

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

CRM-M-11042-2023

Date of decision : 05.07.2023

MONI

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Balkarn S. Aulakh, Advocate
for the petitioner.

Mr. Kunal Vinayak, Asstt. Advocate General, Punjab.

PANKAJ JAIN, J. (ORAL)

By way of present petition, the petitioner has raised grievance against the order dated 16th of November, 2022 whereby his bail bonds and surety bonds stand cancelled/forfeited by Sessions Judge, Sri Muktsar Sahib.

The petitioner is facing trial in FIR No.16 dated 18th of January, 2020 registered for the offence punishable under Section 15 of the NDPS Act, 1985 and Section 61 of Punjab Excise Act, 1914 at Police Station City Malout, District Sri Muktsar Sahib and was admitted to bail. However, on 16th of November, 2022 the petitioner absented himself and the Court passed the following order :-

“Case called several times since morning but neither accused themselves nor anybody appeared on their behalf. It appears that absence of both the accused is intentional one. As such, their bail orders stand cancelled. Consequently, their bail bonds and surety bonds etc. are also canceled and forfeited to the State. Now accused Sikander Kala and Moni be summoned

through non bailable warrants for 16.01.2023. Notice to their respective sureties on the prescribed performa under Section 446 Cr.P.C. be also issued for said date.”

Counsel for the petitioner submits that the absence on behalf of the petitioner on the said date was not intentional and in fact the petitioner had no reason to absent himself as he already stood admitted to bail. In fact he was arrested in another FIR No.197 dated 25th of July, 2022. Being in custody he could not appear on 16th of November, 2022 which resulted in passing of the impugned order. He further submits that in FIR No.197 dated 25th of July, 2022 now the petitioner stands admitted to bail and is willing to surrender before the Trial Court.

In view of the aforesaid circumstances, the petitioner is granted liberty to surrender before the Trial Court/Duty Magistrate concerned on 7th of July, 2023.

This Court is sanguine that in case the petitioner surrenders before the Trial Court/Duty Magistrate concerned and applies for regular bail, the same shall be decided by the Trial Court expeditiously not beyond 10th of July, 2023, in accordance with law.

The petition stands disposed off in above terms.

July 05, 2023

Dpr

(Pankaj Jain)

Judge

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