

2023:PHHC:057807

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

CRM-M-11014-2023

Date of Decision: 24.04.2023.

DEEPAK KUMAR

... PETITIONER

VS.

STATE OF PUNJAB

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Vishavjeet Singh Rishi, Advocate, for the petitioner.
Mr. Hittan Nehra, Additional Advocate General, Punjab.

VIVEK PURI, J.(ORAL)

1. The petitioner is seeking to quash the order dated 06.09.2022, Annexure P-5 passed by the Judge, Special Court, Ludhiana, vide which the bail bonds and surety bonds have been cancelled and forfeited to the State and warrants of arrest of the petitioner and notice to his surety have also been issued.

2. Learned counsel for the petitioner contends that the petitioner has been arraigned as an accused in the case bearing FIR No. 288 dated 08.11.2017 under Sections 22 and 25 of the Narcotics Drugs and Psychotropic Substances Act registered at Police Station City Khanna, District Khanna.

3. At the earlier instance, the petitioner was granted regular bail in terms of the order dated 10.12.2018 passed by the learned Judge, Special Court, Ludhiana, Annexure P-3. The petitioner had absented from proceedings in the trial Court on 06.09.2022 which resulted in passing of the impugned order. The reason assigned for non-appearance of the petitioner is to the effect that the petitioner was arrested in another case bearing FIR No. 110 dated 21.07.2022 under Section 22 of the NDPS Act registered at Police Station Sirhind. The petitioner was released on bail in

terms of the order dated 30.01.2023, Annexure P-6, in the other case. The confinement of the petitioner in another case has resulted in his non-appearance in the trial Court. It has been further submitted that only bail bonds and surety bonds have been cancelled and the bail order is still in existence. The petitioner has also surrendered in the trial Court in terms of the interim directions issued by the Court, released on interim bail and the next date of hearing before the trial Court is 27.09.2023.

4. Learned State counsel has submitted that an appropriate direction may be issued to ensure the presence of the petitioner in the trial Court.

5. As bail order of the petitioner has not been cancelled, the present petition is disposed of with a direction that the petitioner shall furnish fresh bail bonds in pursuance of the bail order dated 10.12.2018 passed by the learned Judge, Special Court, Ludhiana, Annexure P-3 on or before 27.09.2023, the date already fixed in the trial Court. Till then, the petitioner shall remain on interim bail.

24.04.2023
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(VIVEK PURI)
JUDGE

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