

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-12528-2023
Date of Decision: 11.04.2023

TARWINDER SINGH AND ANOTHER ... PETITIONER

V/S

STATE OF PUNJAB ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Vicky Sharma, Advocate for
Mr. Pardeep Kumar Kapila, Advocate
for the petitioners.

Ms. Ruchika Sabharwal, DAG, Punjab.

* * *

VIVEK PURI, J. (ORAL)

Petitioners are seeking to quash the impugned order dated 21.02.2023 (Annexure P-5) in the case bearing FIR No. 256 dated 14.08.2019 under Section 21 and 25 of NDPS Act registered at police Station Sadar Mansa, District Mansa, vide which the order granting bail to the petitioners has been cancelled and the bail bonds-surety bonds have also been cancelled and forfeited to the state. The warrants of arrest of the petitioner and notice to the surety under Section 446 Cr.P.C. has been issued.

Learned counsel for the petitioner contends that the petitioner No. 1 and 2 were granted regular bail in terms of the order dated 17.09.2019 (Annexure P-2) and 04.10.2019 (Annexure P-3) respectively. The petitioners absented from the proceedings on 21.02.2023 and it resulted in the passing of the impugned

order. This is the first default on the part of the petitioners. The reason assigned for non appearance is the breakdown of vehicle, while the petitioners were on way to the Court premises. The next date of hearing in the trial Court is stated to be 20.05.2023. It has been further submitted that petitioners undertake to surrender in the trial Court and join the proceedings.

Notice of motion.

Ms. Ruchika Sabharwal, DAG, Punjab accepts notice on behalf of the State and submits that the appropriate directions may be issued to ensure the presence of the petitioners in the trial Court.

The present petition is disposed of with a direction that the petitioners shall surrender before the Trial Court within a period of 2 weeks and shall move an application for regular bail. In the event, the petitioners surrender within a period of two weeks and move an application for bail, their arrest be not effected till the disposal of the bail application and also for a period of two weeks thereafter, in the event, the bail application is dismissed. This order is further subject to the condition that the petitioners shall deposit a sum of Rs. 10,000/- with the District Legal Services Authority, Mansa and place the receipt on the record of the trial Court at the time of surrender and moving the bail application. Furthermore, this order is without prejudice to the proceedings under Section 446 Cr.P.C. that may be initiated against the petitioner and the surety.

11.04.2023
manoj

(VIVEK PURI)
JUDGE

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