

2023:PHHC:052771

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

CRM-M-15148-2023 (O&M)

Date of Decision: 17.04.2023.

**GAURAV KHANDUJA @ GOURAV KHANDUJA ... PETITIONER
VS.**

STATE OF HARYANA

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Ashit Malik, Advocate
for the petitioner.

Mr. Ranvir Singh Arya, Additional Advocate General, Haryana.

VIVEK PURI, J.(ORAL)

The petitioner is seeking to quash the order dated 02.11.2022 passed by the learned trial Court vide which his bail has been cancelled, bonds have been forfeited to the State, his non-bailable warrants and notice to the surety under Section 446 Cr.P.C. have been issued.

Learned counsel for the petitioner contends that the petitioner has been arraigned as an accused in the case bearing FIR No. 173 dated 30.07.2021 under Section 22 (c) of the NDPS Act registered at Police Station Sadar Ratia, District Fatehabad. The petitioner has been nominated on the basis of the disclosure statement of the co-accused and was granted regular bail in terms of the order dated 30.05.2022 passed by the Coordinate Bench of this Court in CRM-M-22716-2022. The petitioner had absented from the proceedings on 02.11.2022 and consequently, the his bail has been cancelled and warrants have been issued. The reason assigned for non-appearance is to the effect that the petitioner was arrested in another case bearing FIR No. 156 dated 28.10.2022 under Sections 22/29/61/85 of the NDPS Act registered at Police Station Sadar, Patiala and was granted bail in

terms of the order dated 02.01.2023 passed by the learned Special Court, Patiala, Annexure P-3. The next date of hearing in the trial is stated to be 01.05.2023 and the petitioner undertakes to surrender before the trial Court on or before the date fixed. Learned counsel for the petitioner restricts his prayer only to the extent that meanwhile, the petitioner may be protected.

Notice of motion.

Mr. Ranvir Singh Arya, Additional Advocate General, Haryana, accepts notice on behalf of the respondent-State.

Learned Sate counsel submits that the appropriate directions may be issued to ensure the presence of the petitioner in the trial Court.

The petition is disposed of with a direction that the petitioner shall surrender in the trial Court on or before 01.05.2023 and shall move an application for regular bail. The arrest of the petitioner be not effected till disposal of the bail application and for a period of two weeks thereafter in the event, the bail application is dismissed.

17.04.2023
smriti

(VIVEK PURI)
JUDGE

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