

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

2023:PHHC:040008

(116)

CRM-M-13515-2023

Date of Decision: 17.03.2023

Davinder Singh @ Dalwinder Singh

--Petitioner

Versus

State of Punjab

--Respondent

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

Present:- Mr. Akhilesh Vyas, Advocate for the petitioner.

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**RAJESH BHARDWAJ.J (Oral)**

The present petition has been filed under 482 Cr.P.C praying for setting aside the order dated 4.2.2023 (Annexure P-6) passed by the learned Judge, Special Court, Amritsar in case FIR No.0259 dated 25.10.2022 registered under sections 21 & 22 of NDPS Act and sections 10, 11, 12 of Aircraft Act at Police Station, Chheharta, District Police Commissionerate, Amritsar, whereby the bail order was cancelled and bail/surety bonds of the petitioner were forfeited on account of his non-appearance on 4.2.2023.

Learned counsel for the petitioner submits that though the petitioner was aware about the date fixed before the Trial Court, however, health of the petitioner got deteriorated and he was admitted in Gupta Hospital, Chabhal, District Tarn Taran w.e.f. 2.2.2023. He was advised rest and he got treatment till 8.2.2023. It is submitted that due to the unavoidable circumstances, petitioner could neither appear nor file application for exemption from personal appearance. Counsel submits that petitioner has never misused the concession of bail granted to them by the learned Trial Court, however, his absence on 4.2.2023 was totally unintentional and for bonafide reason. Counsel further submits that petitioner would be cautious

enough in the future and would abide by the terms and conditions of the bail granted to him.

Notice of motion.

On the asking of the Court, Mr. Sandeep Kumar, D.A.G., Punjab accepts notice on behalf of respondent-State and has stated that the bail bonds/surety bonds of the petitioner were rightly forfeited by the Trial Court as he had failed to appear before it on the date fixed.

After hearing counsel for the parties and perusing the record, this court finds that due to absence of the petitioner his bail order was cancelled and his bail/surety bonds were forfeited to the State. Learned counsel for petitioner states that petitioner could not appear due to his ill health and now he is ready to join the proceedings and face the trial.

In view of the above position, this court is of the opinion that the impugned order dated 4.2.2023 (Annexure P-6) deserves to be set aside subject to payment of Rs.25,000/- to be deposited with the Poor Patients' Welfare Fund, P.G.I.M.E.R., Chandigarh by the petitioner within a period of one week from today. Petitioner is directed to surrender before the learned Trial Court within a period of 15 days from today and file an appropriate application along with receipt showing payment of above said cost before the learned Trial Court and on his doing so the Trial Court will admit him to bail subject to its satisfaction.

Petition is disposed of in the above terms.

**(RAJESH BHARDWAJ)**  
**JUDGE**

**17.03.2023**

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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No