

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(116)

2023:PHHC:041893
CRM-M-14509-2023
Date of Decision: 22.03.2023

Amanpreet Singh @ Amna

--Petitioner

Versus

State of Punjab

--Respondent

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

Present:- Mr. Shivinder Pal Singh, Advocate for the petitioner.

RAJESH BHARDWAJ.J (Oral)

The present petition has been filed under 482 Cr.P.C praying for setting aside the order dated 1.10.2022 (Annexure P-2) passed by the learned Judge, Special Court, Moga in case FIR No.71 dated 7.4.2020 registered under section 21 of NDPS Act and sections 188, 269, 270 and 271 IPC at Police Station, Dharamkot, District Moga, whereby the bail order was cancelled and bail/surety bonds of the petitioner were forfeited on account of his non-appearance on 1.10.2022.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present FIR. He submits that the quantity of 5 grams of heroin alleged to have been recovered from the petitioner falls under the non-commercial quantity. He submits that the petitioner was aware about the date fixed before the Trial Court, however, he was admitted in the hospital and thus could not appear before the court concerned on 1.10.2022. Counsel submits that petitioner has never misused the concession of bail granted to him by the learned Trial Court, however, his absence on 1.10.2022 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 medical condition 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 1.10.2022 (Annexure P-2) 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. Ordered accordingly. Petitioner is directed to surrender before the learned Trial Court within a period of 10 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. Arrest of the petitioner shall remain stayed for a period of 10 days from today.

Petition is disposed of in the above terms.

(RAJESH BHARDWAJ)
JUDGE

22.03.2023

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Whether speaking/reasoned: Yes/No