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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-14575-2023

Date of Decision: March 23, 2023

Mani

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.J.S.Thakur, Advocate
for the petitioner.

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RAJESH BHARDWAJ, J.(ORAL)

Instant petition has been filed under Section 482 Cr.P.C. praying for quashing of order dated 25.01.2023 whereby bail bonds and surety bonds of the petitioner were cancelled and forfeited to the State in FIR No.160, dated 13.09.2019, under Section 22 of the Narcotics Drugs and Psychotropic Substances Act, 1985 and Section 25 of the Arms Act, 1959, registered at Police Station Adampur, District Jalandhar Rural.

It has been contended by counsel for the petitioner that initially petitioner was not named in the FIR, however, he has been named in the FIR on the basis of disclosure of co-accused. He submits that petitioner duly approached the learned Special Court and he was granted bail and he was regularly appearing before the trial Court, however, on 25.01.2023, inadvertently, due to mis-communication with his counsel, he failed to appear and his bail bonds and surety bonds were cancelled. He submits that petitioner is ready to appear and join the proceedings and also undertakes not to repeat this again in future and will appear regularly before the

concerned Court.

Notice of motion.

On asking of the Court, Mr.Sandeep Kumar, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondents/State and has opposed the prayer made by counsel for the petitioner.

Heard.

This Court is of the view that no useful purpose would be served by sending the petitioner behind the bar rather it will be appropriate if the petitioner is directed to face trial. As he is ready to join the proceedings and has undertaken not to repeat similar default in future, the present petition is disposed of and order dated 25.01.2023 is set aside subject to payment of Rs.25,000/- as costs to be deposited with the Poor Patients' Welfare Fund, PGIMER, Chandigarh, by the petitioner within a period of one week from today. In case, the petitioner appears and surrenders before the Court concerned within a period of 10 days from today and files an application for bail alongwith receipt of abovesaid costs, the Court concerned would grant him bail. He will have protection from arrest for a period of 10 days from today.

Needless to say that in case the petitioner fails to comply with the abovesaid direction, he will have no benefit of abovesaid protection granted by this Court and order under challenge dated 25.01.2023 would come in force.

March 23, 2023

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(RAJESH BHARDWAJ)

JUDGE

1. Whether speaking/reasoned ?

Yes/No

2. Whether reportable ?

Yes/No