

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

CRM-M-15252-2023

Date of Decision: March 27, 2023

TARSEM SINGH

..... Petitioner

Versus

STATE OF PUNJAB

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Amit Arora, Advocate for petitioner.
Mr. Tarun Aggarwal, Sr. D.A.G. Punjab.

HARKESH MANUJA, J. (ORAL)

By way of present petition filed under Section 482 Cr.P.C., prayer has been made for setting aside of order dated 09.03.2023 passed by Special Judge, Tarn Taran, whereby, the bail bonds of the petitioner were cancelled, surety bonds forfeited followed by issuance of non-bailable warrants against him.

The petitioner having been named as an accused in FIR No.0272 dated 01.12.2017, under Section 22 of NDPS Act, 1985, at Police Station Bhikhiwind, District Tarn Tarn, was granted regular bail by the Special Judge, Tarn Taran vide order dated 10.01.2023. Challan was filed by the investigating agency on 05.12.2018 and charges were framed on 08.11.2019.

During trial on 09.03.2023, on account of non-appearance of the petitioner, his bail bonds were cancelled and surety bonds were forfeited followed by issuance of non-bailable warrants against him, which has been impugned in the present petition.

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Learned counsel for the petitioner submits that the non-appearance of the petitioner on the aforesaid date was neither intentional nor willful but happened on account of some bona fide error about the listing of the matter. He further submits that although the case was adjourned for 10.03.2023, however, the same was taken up on 09.03.2023, though, it was never shown in the cause list of 09.03.2023 which created whole confusion. While pointing out to the cause list of 10.03.2023 of the concerned Court, learned counsel for petitioner submits that the case of the petitioner was shown at Serial No.25 thereof. He further submits that the petitioner has been continuously appearing before the trial court on each and every date since the date of grant of bail in his favour and even undertakes to submit himself to the jurisdiction of trial court and to face trial.

On the other hand, learned State counsel opposes the prayer made on behalf of the petitioner while submitting that the allegations in the present case are of serious nature.

I have heard learned counsel for the parties and perused the paper book. I find substance in the submissions made on behalf of the petitioner.

As per the records, petitioner was granted concession of regular bail vide order dated 10.01.2023 and since then he has been regularly appearing before the trial court on each and every date except for 09.03.2023, on which date, he could not appear before the trial court for the reasons detailed above on account of confusion regarding the date of hearing. Considering the conduct of the petitioner in the facts of

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the present case and also based on documents available on record, there does not appear to be any reason to disbelieve him on the point of reasons which resulted into his non-appearance before the trial court.

In view of the facts and circumstances narrated herein-above, the impugned order dated 09.03.2023 passed by the trial court, is hereby set aside with the direction to the petitioner to surrender before the trial court and furnish his fresh bail bonds/surety bonds, to its satisfaction, within a period of two weeks from today.

27.03.2023
tejwinder

(HARKESH MANUJA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>