

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

CRM-M-15130-2023

Date of decision : 24.03.2023

Mandeep Sharma @ Sonu

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Ms. Amarjot Kaur, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

Prayer in the present petition is for setting aside the order dated 06.01.2023 passed by Judge, Special Court, Amritsar whereby the bail order of the petitioner was cancelled and bail/surety bonds were forfeited to the State in FIR No.184 dated 09.04.2008, under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sadar, Amritsar.

It has been contended by counsel for the petitioner that the petitioner was falsely implicated in this case. She submits that the petitioner was granted concession of regular bail on 18.04.2022 by this Court in CRM-M-8975-2022. She has submitted that the alleged recovery from the petitioner was 200 grams of intoxicant powder which was non-commercial. She has submitted that as no notice was given to the petitioner for appearance and thus, due to the miscommunication, he remained absent from the trial Court. She has further submitted that learned trial Court has fallen in error in forfeiting the bail/surety bonds of the petitioner and issuing non-bailable warrants against him. She submits that the petitioner has no criminal antecedents and he is ready to join the proceedings and abide by the terms and conditions of bail.

Notice of motion.

On asking of the Court, Mr. Sandeep Kumar, DAG, Punjab accepts notice on behalf of the respondent-State.

Learned State counsel has opposed the submissions made by learned counsel for the petitioner and has stated that the trial Court has rightly passed the order dated 08.11.2011 vide which due to his absence, bail/surety bonds of the petitioner were forfeited to the State and he was ordered to be summoned through non-bailable warrants of arrest.

After hearing counsel for the petitioner and perusing the record, it is apparent that the petitioner has no criminal antecedents but he failed to appear before the Court on the date fixed. Now he is keen to join the proceedings. So keeping in view the abovesaid facts, the present petition is disposed of and the order dated 06.01.2023 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 in 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 is directed to admit him to bail and proceed with the trial in accordance with law. 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 06.01.2023 would come in force.

24.03.2023
m. sharma

(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No