

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

115

CRM-M-17630-2023 (O&M)

Date of Decision: 18.08.2023

Mandeep Masih

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present:- Mr. Shivender Singh, Advocate, for
Mr. B.S. Bhalla, Advocate, for the petitioner.

Mr. Sanish Girdhar, AAG, Punjab.

VIKAS SURI, J.

CRM-33837-2023

This is an application under Section 482 Cr.P.C. seeking permission to place on record *zimni* orders passed by the trial Court as Annexure P-2.

For the reasons mentioned in the application, the same is allowed. *Zimni* orders passed by the trial Court are taken on record as Annexure P-2, subject to all just exceptions.

CRM stands disposed of.

CRM-M-17630-2023

1. This is a petition filed under Section 482 Cr.P.C. for setting aside of order dated 01.04.2022 (Annexure P-1) passed by the Special Court, Amritsar, in case FIR No.33 dated 04.04.2018, under Sections 21 and 22 of NDPS Act, registered at Police Station Ramdas, District Amritsar

Rural, whereby bail of the petitioner was cancelled and warrants of arrest have been issued.

2. Learned counsel for the petitioner submits that the petitioner was granted the concession of regular bail by the Additional Sessions Judge, Amritsar, vide order dated 09.05.2018 and since then, he has been regularly appearing before the trial Court. On account of illness, he did not appear on 01.04.2022 and his efforts to inform his trial Court counsel could not materialize. Learned counsel further submits that the absence of the petitioner before the trial Court was neither intentional nor wilful but solely due to his ill health. Thereafter, case was came up for hearing on various dates and now is pending for 29.08.2023 awaiting the presence of the petitioner. Learned counsel prays that petitioner is keen and willing to join proceedings and ready to abide by all terms and conditions so imposed by this Court.

3. Learned State counsel, on the other hand, has opposed the grant of relief to the petitioner by submitting that the trial Court has rightly cancelled the bail of the petitioner, who intentionally kept himself away from the Court to evade the process of law and prays for dismissal of the instant petition.

6. I have heard learned counsel for the parties and perused the record.

7. After hearing learned counsel for the parties and perusing the record, it is evident that the petitioner failed to appear on 01.04.2022.

Resultantly, his bail order was cancelled and his bail and surety bonds were forfeited to the State while ordering to procure his presence through warrants of arrest. The reason assigned for his absence was his illness. However, the petitioner is keen to join the proceedings and no useful purpose would be served by sending him behind bars; rather it will be appropriate if he is allowed to face the trial.

8. Hence, keeping in view the above, impugned order dated 01.04.2022 (Annexure P-1) is set aside subject to payment of ₹10,000/- as costs to be deposited with the 'Ajit Singh Police Welfare Fund', Account No.12171450000081, HDFC Bank, Sector 15-C, Chandigarh-160015, RTGS/NEFT IFSC: HDFC0001217 and the petitioner is directed to surrender before the trial Court on or before 29.08.2023 and move an application for grant of bail alongwith receipt of payment of costs, whereupon the Court concerned shall admit him to bail subject to his furnishing bail bonds and surety to its satisfaction and proceed with the trial in accordance with law.

9. Needless to observe that in case the petitioner fails to comply with the abovesaid direction, then this order shall stand recalled automatically under Section 362 read with Section 482 Cr.P.C., without any further reference to this Court.

August 18, 2023
Harish

(VIKAS SURI)
JUDGE

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