

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

CRM-M-16414-2023

Date of Decision: April 10, 2023

ANAND SINGH

..... Petitioner

Versus

STATE OF PUNJAB

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Mikhal Kad, Advocate for petitioner.
Mr. Tarun Aggarwal, Sr. D.A.G. Punjab.

HARKESH MANUJA, J. (ORAL)

By way of present petition filed under Section 482 CrPC, prayer has been made for setting aside of order dated 01.06.2022 passed by Judge, Special Court, Sangrur whereby the bail bonds of petitioner has been cancelled followed by forfeiture of surety bonds as well as issuance of non-bailable warrants against him.

In the present case, the petitioner was implicated as an accused in FIR No.50 dated 27.03.2021 registered under Section 21 of NDPS Act 1985 at Police Station Bhawanigarh, District Sangrur wherein he was granted concession of regular bail vide order dated 19.04.2021. Later, on account of his non-appearance, his bail bonds were cancelled followed by forfeiture of surety bonds and issuance of non-bailable warrants against him vide order dated 01.06.2022 which has been impugned by way of present petition.

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Learned counsel for petitioner submits that the non-appearance of the petitioner before the trial Court was wholly unintentional and on account of bona fide reasons as his minor daughter is suffering from acute kidney disease which required constant observation. Learned counsel further submits that petitioner undertakes to appear before trial Court on each and every date, in case he is afforded another chance.

On the other hand, learned State counsel opposes the prayer made on behalf of petitioner while submitting that non-appearance of petitioner was wholly intentional and just to delay the proceedings before the trial Court.

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

The medical record appended along with petition shows that the daughter of petitioner has been suffering from kidney disease and accordingly, I do not find any reason to disbelieve the cause shown by the petitioner for his non-appearance.

Considering the aforesaid facts and circumstances, the present petition is allowed. The petitioner is directed to surrender before Court concerned within a period of 7 days who, in turn, shall accept the bail bonds/surety bonds submitted by petitioner. The petitioner shall also submit an undertaking before trial Court by way of an affidavit as regards his future appearance.

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The aforesaid order shall however be subject to payment of costs of Rs.5,000/- to be deposited with the Punjab and Haryana High Court Association Lawyer's Family Welfare Fund having Account No.41564846387 with State Bank of India, High Court Branch.

Disposed of.

10.04.2023
tejwinder

(HARKESH MANUJA)
JUDGE

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