

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-16770-2023
Date of Decision: 10.04.2023

GURPARTAP SINGH ALIAS TABA

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Prince Sharma, Advocate
for the petitioner.

Ms. Ruchika Sabharwal, DAG, Punjab.

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VIVEK PURI, J. (ORAL)

Petitioner is seeking to quash the impugned order dated 07.12.2022 (Annexure P-4) passed by the Special Court Judge, Tarn Taran, vide which, his bail has been cancelled and the bail bonds and surety bonds have been cancelled and forfeited. The petitioner has been ordered to be summoned through warrants of arrest and notice to surety under Section 446 Cr.P.C. has also been issued.

Learned counsel for the petitioner contends that the petitioner has been arraigned as an accused in the case bearing FIR No. 39 dated 21.02.2018 under Section 22 of NDPS Act, 1985, registered at Police Station Sadar Patti, Tehsil Patti, District Tarn Taran. The petitioner was granted regular bail in terms of the order dated 21.03.2018 passed by the learned Additional Sessions Judge, Tarn Taran (Annexure P-3). The petitioner had been regularly appearing in the

trial Court and on account of noting down wrong date of hearing, the petitioner had absented from proceedings on 07.12.2022. This is the first default on the part of the petitioner and the petitioner is ready and willing to surrender before the trial Court and next date of hearing in the trial Court is stated to be 19.07.2023.

Notice of motion.

Ms. Ruchika Sabharwal, DAG, Punjab accepts notice on behalf of the State and submits that the appropriate directions may be issued to ensure the presence of the petitioner before the trial Court.

The present petition is disposed of with a direction that the petitioner shall surrender before the Trial Court within a period of 2 weeks and shall move an application of regular bail. In the event, the petitioner surrenders and moves bail application within a period of two weeks, his arrest be not effected till the disposal of the bail application and for a period of two weeks thereafter, in the event, the bail application is dismissed. This order is further subject to the condition that the petitioner will deposit a sum of Rs. 5,000/- before the District Legal Services Authority, Tarn Taran and place the receipt on the record of the trial Court at the time of surrender and moving the bail application. Furthermore, this order is without prejudice to the proceedings under Section 446 Cr.P.C. that may be initiated against the petitioner and the surety.

10.04.2023

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(VIVEK PURI)
JUDGE

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