

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

(262)

CRM-M-17451 of 2022
DATE OF DECISION:-11.04.2023

Mohan Singh @ Mohani

...Petitioner

vs.

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Ms. C. S. Rana, Advocate, for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

HARKESH MANUJA, J.

By way of present petition filed under Section 482 Cr.P.C., prayer has been made for quashing of the impugned order dated 30.11.2021 (Annexure P-4) passed by the learned Additional Sessions Judge, Ludhiana, whereby, bail bonds of the petitioner was cancelled followed by forfeiture of surety bonds and issuance of non-bailable warrants against him.

In pursuance to the order dated 01.02.2023, petitioner has already submitted his fresh bail bonds/surety bonds to the satisfaction of the trial Court on 21.02.2023 and he is continuously appearing in the proceedings pending against him. Accordingly, the order dated 10.01.2023 is made absolute.

Petitioner was implicated in the FIR No.81 dated 27.04.2015 under Section 21,61, 85 (Act No.61 of 1985 dated 16th September, 1985) of NDPS Act, 1985, registered at Police Station City Jagraon, District Ludhiana. Having granted regular bail vide order dated 01.06.2015, he has been appearing regularly before the trial Court but for 31.11.2021, wherein, he could not present himself before the trial Court on account of Covid 19

situation, post filing of challan as he could not received any intimation from the Court concerned resulting into passing of the order dated 30.11.2021. Impugning the order dated 30.11.2021, learned counsel for the petitioner submits that non-appearance of the petitioner was neither intentional nor willfully but for *bona fide* reasons as on account of no intimation about the pendency of the proceedings, post filing of *challan* as a result of Covid-19 situation, petitioner could not appear before the concerned Court. Learned counsel further submits that petitioner has no intention to delay the proceedings and undertakes to appear before the trial Court on each and every date except granted exemption specifically.

On the other hand, learned State counsel opposes the prayer made in the present petition while submitting that non-appearance of the petitioner was intentional as he had complete knowledge about the pendency of the proceedings pending against him.

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

From the records, it can be traced out that non-appearance of the petitioner before the trial Court which resulted into passing of the impugned order dated 30.11.2021 and cancelling his bail bonds followed by forfeiture of surety bonds was in fact a result of mis-communication of information about the filing of *challan* and notice could not be properly served upon the petitioner on account of Covid-19 situation as well as intermittent brakes in the Court hearings. More than that, in pursuance to the direction issued by this Court, petitioner has appeared before the trial Court and furnished his fresh bail bonds/surety bonds on 21.02.2023.

In view of the discussion made hereinabove, present petition is

allowed and the impugned order dated 30.11.2021 (Annexure P-4) passed by the learned Additional Sessions Judge, Ludhiana, is hereby set aside.

11.04.2023
anil

(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No

whether reportable: Yes/No