

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

CRM-M-18285-2023
Date of decision: 17.04.2023

KARANDEEP SINGH @ GORA

...Petitioner

V/s

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Lakshay Bector, Advocate
 for the petitioner.

HARKESH MANUJA J. (ORAL)

By way of present petition, prayer has been made for quashing of order dated 16.12.2022 passed by the learned Additional Sessions Judge, Ludhiana, vide which, the regular bail granted to the petitioner vide order dated 04.08.2021 in FIR No.52 dated 17.06.2021 registered at PS City Hathur, District Ludhiana, under Sections 21 and 25 of NDPS Act stands cancelled and bail bonds and surety bonds were ordered to be forfeited to State, followed by issuance of non-bailable warrants.

Having been implicated in the FIR No.52 dated 17.06.2021, the petitioner was granted concession of regular bail vide order dated 04.08.2021 passed by learned Additional Sessions Judge, Ludhiana, however, on account of his non-appearance on 16.12.2022, his bail bonds were cancelled and surety bonds were forfeited to the State.

Learned counsel for the petitioner submits that non-appearance

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of the petitioner was wholly unintentional and was in fact, on account of *bona fide* reasons of having noted wrong date of hearing. Learned counsel further submits that the petitioner undertakes to appear before the trial Court on each and every date unless granted exemption specifically and thus, prays for setting aside of the order dated 16.12.2022.

Notice of Motion.

Mr. Tarun Aggarwal, Sr. DAG, Punjab, who is present in the Court, accepts notice on behalf of respondent-State and submits that non-appearance of the petitioner was a deliberate attempt on his part to delay the trial and thus, the petitioner does not deserve any concession in this regard.

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.

Having been granted the concession of regular bail by the trial Court on 04.08.2021, the petitioner has been continuously putting in appearance before the concerned Court but for 16.12.2022. At this stage, there does not appear to be any reason to disbelieve the stand taken by the petitioner as regards noting down the wrong date. More than that, the petitioner is willing to face the proceedings before the trial Court.

Resultantly, the present petition is allowed. Impugned order dated 30.09.2022 is hereby set aside. Petitioner is directed to surrender before the trial Court within a period of one week from today and furnish fresh bail/surety bonds to its satisfaction and on his doing so, he shall be released on regular bail subject to any other condition imposed by learned trial Court.

Considering the delay in approaching this Court at the hands of petitioner, the aforesaid order shall be subject to payment cost of Rs.10,000/- 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, Chandigarh, within a period of one week from today.

17.04.2023
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(HARKESH MANUJA)
JUDGE

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