

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(117)

2023:PHHC:058048
CRM-M-20367-2023
Date of Decision: 25.04.2023

Bikramjit Singh @ Bika

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. G.S. Simble, Advocate for the petitioner.

RAJESH BHARDWAJ.J (Oral)

The present petition has been filed under section 482 Cr.P.C praying for quashing the order dated 13.2.2023 (Annexure P-3) passed by the learned Judge, Special Court, Gurdaspur, whereby court has issued non-bailable warrants against the present petitioner due to which the bail granted to the petitioner in case FIR No.96 dated 30.7.2021 under sections 22, 61 of NDPS Act registered at Police Station, Sadar Batala, Police District Batala, District Gurdaspur stands cancelled and bail bonds and surety bonds were forfeited to the state.

Learned counsel for the petitioner submits that petitioner was not named in the FIR and he was implicated on the basis of disclosure statement of co-accused Jaswant Singh. It is submitted that petitioner was granted concession of anticipatory bail by the learned Trial Court on 19.7.2022. It is further submitted that petitioner was regularly appearing before the court, however, as he had noted the wrong date, he could not appear on the date fixed i.e. 13.2.2023 and as a result thereof his bail was cancelled and bail bonds/surety bonds were forfeited. Counsel submits that petitioner has never misused the concession of bail granted to him by the learned Trial Court, however, his absence on 13.2.2023 was totally

unintentional and for bonafide reason and now he is keen to join the proceedings. Counsel further submits that petitioner would be cautious enough in the future and would abide by the terms and conditions of the bail granted to him.

Notice of motion.

On the asking of the Court, Mr. Sandeep Kumar, D.A.G., Punjab accepts notice on behalf of respondent-State.

Learned State counsel has contended that the bail granted to the petitioner has been rightly cancelled as he failed to appear before the court on the date fixed.

After hearing counsel for the parties and perusing the record, this court is of the opinion that as the petitioner is now keen to join the proceedings, no useful purpose will be served by sending him behind the bars so keeping in view the above said facts, the impugned order dated 13.2.2023 (Annexure P-3) is set aside subject to payment of Rs.10,000/- to be deposited with the Poor Patients' Welfare Fund, P.G.I.M.E.R., Chandigarh by the petitioner within a period of one week from today. Petitioner is directed to surrender before the learned Trial Court within a period of 10 days from today and file an appropriate application along with receipt showing payment of above said cost before the learned Trial Court and on his doing so the Trial Court will admit him to bail subject to its satisfaction. Arrest of the petitioner shall remain stayed for a period of 10 days from today.

Petition is disposed of in the above terms.

(RAJESH BHARDWAJ)
JUDGE

25.04.2023

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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No