

CRM-M-21232-2023

2023:PHHC:062250

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116 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-21232-2023

DATE OF DECISION:-01.05.2023

Kuldeep Singh

...Petitioner.

VS.

State of Punjab

...Respondent..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Gurpal Singh Sandhu, Advocate,
for the petitioner.

HARKESH MANUJA, J.

1. By way of present petition under Section 482 Cr.P.C., prayer has been made for quashing of orders dated 16.11.2022 and 16.01.2023 passed by the court of learned Sessions Judge Sri Muktsar Sahib, whereby bail bonds of the petitioner were cancelled, besides, forfeiture of surety bonds followed by issuance of non-bailable warrants against him.

2. The facts leading to the present case are that petitioner has been arrayed as an accused in FIR No.123, dated 30.07.2017, under Sections 22 of NDPS Act, 1985, registered at Police Station City Malout, District Sri Muktsar Sahib for having been in possession of 600 intoxicating tablets marked XL PAM and since, the recovered contraband falls under the category of non-commercial quantity, he was released on regular bail by the learned trial court. Thereafter, petitioner has been regularly appearing before the trial court but for 16.11.2022, he could not appear on the ground that he was not well and had gone to Rajasthan for getting medical

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treatment. Though, this fact was duly conveyed to the counsel, however, he failed to move an application seeking exemption, resulting into cancellation of bail bonds and forfeiture of surety bonds, followed by issuance of non-bailable warrants against him.

3. By way of present petition, impugning the orders dated 16.11.2022 and 16.01.2023, learned counsel for the petitioner submits that non-appearance of the petitioner on the date fixed before the trial court was wholly unintentional and on account of bonafide reasons. Learned counsel further submits that the petitioner is a law abiding citizen and has all respects for law and the courts and can never dare to challenge its Majesty.

4. Learned counsel for the petitioner also submits that the petitioner, if, given a chance, shall continue to appear before the court below in the proceedings pending against him, unless granted exemption specifically and categorically.

5. Notice of motion.

6. Mr. Tarun Aggarwal, Sr.DAG, Punjab who is present in Court accepts notice on behalf of respondent-State and opposes the prayer while submitting that the only purpose of non-appearance of the petitioner before the trial court was to delay the proceedings.

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

8. A perusal of paper book shows that on 16.01.2023, petitioner could not appear before the trial court due to health issues and had gone to Rajasthan for medical treatment and this fact was duly conveyed to the counsel, who gave an assurance that he will file exemption application

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regarding his non-appearance but the same was not done. It appears that the non-appearance of petitioner was on account of some communication gap. Considering the facts of the present case, there does not appear to be any plausible reason to disbelieve the petitioner.

9. In view of the above, the petition is allowed. Orders 16.11.2022 and 16.01.2023 are set aside. Petitioner is directed to surrender before the trial Court within a period of 10 days from today and on his doing so, he shall be admitted to bail on his furnishing fresh bail bonds and surety bonds to its satisfaction.

10. The aforesaid order shall, however, be subject to payment of costs of Rs.5,000/- to be deposited by the petitioner with the Punjab and Haryana High Court Bar Association within a period of seven days from today.

01.05.2023

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(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No