

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(112)

2023:PHHC:064846
CRM-M-22290-2023
Date of Decision: 05.05.2023

Mahinder Kumar Yadav @ Mahendra Kumar

Yadav @ Mahender

--Petitioner

Versus

State of Punjab

--Respondent

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

Present:- Mr. P.K.S. Phoolka, Advocate for the petitioner.

RAJESH BHARDWAJ.J (Oral)

The present petition has been filed under 482 Cr.P.C praying for quashing/setting aside the order dated 24.11.2022 passed by the learned Addl. Sessions Judge, Bathinda, whereby non-bailable warrants have been issued against the petitioner in case FIR No.0084 dated 2.9.2018 registered under section 18 of NDPS Act at Police Station, SGN Dev Thermal Plant, District Bathinda.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case, wherein 61 grams of opium was allegedly recovered from him. It is submitted that petitioner was granted bail by the learned Trial Court in the year 2018 and he was regularly appearing before the Trial Court, however, due to his medical condition petitioner remained absent on one date i.e. on 24.11.2022. Counsel submits that though the petitioner has been prosecuted in two other cases under NDPS Act, however, he is on bail in those cases. It is submitted that due to the unavoidable circumstances, petitioner could neither appear nor file application for exemption from personal appearance. Counsel submits that

petitioner has never misused the concession of bail granted to him by the learned Trial Court, however, his absence on 24.11.2022 was totally unintentional and for bonafide reason. 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 and is ready to join the proceedings.

Notice of motion.

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

After hearing counsel for the parties and perusing the record, this court finds that the petitioner had been regularly appearing before the Trial Court on all the dates, however, on 24.11.2022 he remained absent on account of his medical condition.

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 24.11.2022 is set aside subject to payment of Rs.25,000/- 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

05.05.2023

lucky	Whether speaking/reasoned:	Yes/No
	Whether Reportable:	Yes/No