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

CRM-M-24353-2023

Date of Decision: May 15, 2023

Baldev Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Ms.Arti Kaur, Advocate for
Mr.Rahul Bhargava, Advocate
for the petitioner.

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RAJESH BHARDWAJ, J.(ORAL)

Instant petition has been filed under Section 482 Cr.P.C. praying for quashing/setting aside the order dated 20.01.2023 passed by learned Additional and Sessions Judge, Amritsar, vide which non-bailable warrants of arrest of the petitioner have been issued by the learned appellate Court due to which regular bail granted to the petitioner in case FIR No.0111 dated 02.09.2021 under Section 18 of the NDPS Act, registered at Police Station Khilchian, Amritsar Rural (Annexure P-1), has been cancelled and bail/surety bonds have been ordered to be forfeited to the State. It is further prayed to stay the operation of impugned order dated 20.01.2023 during pendency of the present petition.

It has been contended by counsel for the petitioner that in pursuance to the registration of the aforesaid FIR, the petitioner was arrested and was granted concession of regular bail on 07.10.2021 by the Court of learned Additional Sessions Judge, Amritsar. It is submitted that he

was regularly appearing before the trial Court, however, on 20.01.2023, due to bed rest, as advised by the doctor, he could not appear before the trial Court, however, he tried to contact his counsel, but was unable to contact him and hence he absented on the said date and later on it had come to his notice that his counsel had gone abroad on 11.01.2023 without informing the petitioner. Counsel for the petitioner submits that petitioner is ready to surrender before the trial Court and undertakes not to repeat the default of absenting himself from the proceedings.

Notice of motion.

On asking of the Court, Mr.Sandeep Kumar, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondents/State.

Learned State counsel has stated that the trial Court has rightly issued non-bailable warrants against the petitioner as he remained absent from the proceedings without any intimation.

Heard.

This Court is of the view that no useful purpose would be served by sending the petitioner behind the bars rather it will be appropriate if the petitioner is directed to face trial. As he is ready to join the proceedings and undertakes not to repeat the default again, the present petition is disposed of and order dated 20.01.2023 is set aside subject to payment of Rs.10,000/- as costs to be deposited with the Poor Patients' Welfare Fund, PGIMER, Chandigarh, by the petitioner within a period of seven days from today. In case, the petitioner appears and surrenders before the Court concerned within a period of 10 days from today and files an application for bail alongwith receipt of costs, the Court concerned would

grant him bail subject to its satisfaction. He will have protection from arrest for a period of 10 days from today.

Needless to say that in case the petitioner fails to comply with the abovesaid direction, he will have no benefit of abovesaid protection granted by this Court and order under challenge dated 20.01.2023 would come in force.

May 15, 2023
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(RAJESH BHARDWAJ)
JUDGE

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| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |