

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(115)

2023:PHHC:073156
CRM-M-25394-2023
Date of Decision: 19.05.2023

Balwinder Singh @ Binder

--Petitioner

Versus

State of Punjab

--Respondent

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

Present:- Mr. B.K. Saini, Advocate for the petitioner.

RAJESH BHARDWAJ.J (Oral)

The present petition has been filed under 482 Cr.P.C praying for quashing of impugned order dated 28.2.2023 (Annexure P-6) passed by the learned Special Judge, Moga, whereby the bail order of the petitioner has been cancelled and bail/surety bonds have been forfeited to the State and warrants of arrest have been issued in case FIR No.35 dated 16.4.2017 registered under sections 15, 18, 21, 22, 29 of NDPS Act and sections 379, 411 IPC at Police Station, Fatehgarh Panjtoor, District Moga.

Learned counsel for the petitioner submits that though the petitioner was aware about the date fixed before the Trial Court, however, due to some mishappening in his relation he could not appear before the court on the date fixed. It is submitted that the petitioner had informed his counsel and requested him to file application for exemption from personal appearance, however, the same was not done. Counsel submits that petitioner has never misused the concession of bail granted to him by the learned Trial Court, however, his absence on 28.2.2023 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. He is keen 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 28.2.2023 he remained absent which he explained to be because of some mishappening in the relation.

In view of the above position, the impugned order dated 28.2.2023 (Annexure P-6) 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 one week from today. In case petitioner appears before the Trial Court and files an appropriate application for bail along with receipt of above said costs within 10 days, then the court concerned shall admit him to bail subject to his furnishing fresh bail/surety bonds to its satisfaction.

In case the petitioner fails to comply with the above directions, the interim protection granted to him by this court today would be of no avail to him and order dated 28.2.2023 will come in force.

Petition is disposed of in the above terms.

(RAJESH BHARDWAJ)
JUDGE

19.05.2023

lucky

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