

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

(118)

CRM-M-27030 of 2023
DATE OF DECISION:-26.05.2023

Vijay Pal @ Vijay

...Petitioner

VS.

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr.Kartar Singh, Advocate, for the petitioner.

HARKESH MANUJA, J.

(1) By way of present petition filed under Section 482 Cr.P.C., prayer has been made for quashing of order dated 13.04.2023 (Annexure P-1) passed by the Court of learned Additional Sessions Judge, Fatehabad, whereby, the bail bonds of the petitioner has been cancelled, surety bonds forfeited followed by issuance of warrant of arrest against him.

(2) Having been implicated in the FIR No.178 dated 24.09.2020 for the offences under Sections 22-C/27-A/61/85 of the NDPS Act, petitioner was arrested and later released on bail by this Court vide order dated 02.09.2021 passed in CRM-M-13149 of 2021 and has been appearing before the trial Court regularly but for 13.04.2023 when on account of some family occupation, he had gone out of station and was not able to make himself present, resulting into cancellation of his bail bonds, forfeiture of surety bonds and issuance of non-bailable warrants against him.

(3) Learned counsel for the petitioner submits that non-appearance of the petitioner was wholly unintentional as on account of his family occupation, he had gone to Mandsaur (M.P.) and could not return in time.

He further submits that petitioner undertakes to appear before the trial Court

on each and every date unless granted exemption specifically. He also submits that petitioner has great respect for law and the Courts and cannot even think of overreaching the same.

(4) On the other hand, learned State counsel submits that non-appearance of the petitioner before the trial Court was on account of his negligence and thus, opposes the prayer made in the present petition.

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

(6) In the present case, post grant of regular bail by this Court on 02.09.2021, the petitioner has been regularly appearing before the trial Court and thus at this stage, I see no reason to disbelieve the stand taken by the petitioner about his non-appearance on account of he having gone out of station for some personal family occupation.

(7) Considering the aforesaid, the impugned order dated 13.04.2023 (Annexure P-1) passed by the trial Court, is hereby set aside, directing the petitioner to surrender within a period of 10 days from today and submit his fresh bail bonds/surety bonds to the satisfaction of the trial Court along with an affidavit/undertaking as regards his continuous appearance during trial, unless granted exemption specifically.

(8) The aforesaid order shall however, be subject to payment of costs of Rs.2,000/- to be deposited by the petitioner with Bar Clerks Association, Punjab and Haryana High Court, Chandigarh.

26.05.2023
anil

(HARKESH MANUJA)
JUDGE

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