

136 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-50271-2023 in/and

CRM-M-28476-2023

Date of Decision: 04.12.2023

Jarnail Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Shivender Pal Singh, Advocate for
Mr. Hitesh Chopra, Advocate,
for the petitioner.

Mr. G.S. Dhillon, AAG, Punjab.

HARKESH MANUJA, J.

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Prayer in this application is for preponing the date of hearing of
the main case, which is fixed for 20.03.2024.

Notice of the application.

At the asking of the Court, Mr. G.S. Dhillon, AAG, Punjab
accepts notice on behalf of the respondent-State and raises no objection to
the application.

Having heard learned counsel for the parties and gone through the
contents of the application, the same is allowed and date of hearing of the
main case is preponed from 20.03.2024 to today itself i.e. 04.12.2023 for
hearing.

Main case

1. By way of present petition under Section 482 Cr.P.C., prayer has been made for quashing of order dated 06.05.2023 (Annexure P-5) passed by the court of learned Additional Sessions Judge, Gurdaspur, 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 the petitioner has been arrayed as an accused in FIR No.148 dated 08.10.2019, registered under Sections 21/22/61 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Sadar Batala, District Gurdaspur, for having been in possession of 01 gram & 10 miligram of heroin and 32 intoxicant tablets. In the said FIR, petitioner was granted the concession of interim bail vide order dated 17.12.2019 passed by Judge Special Court, Gurdaspur and thereafter, he has been appearing regularly before the Trial Court. But on 20.02.2023, the petitioner could not appear before the Trial Court, resulting into cancellation of bail and forfeiture of bail bonds & surety bonds, followed by issuance of non-bailable warrants against him vide order dated 06.05.2023. The aforesaid order has been impugned by way of present petition.
3. Learned counsel for the petitioner submits that non-appearance of the petitioner on 20.02.2023 was totally unintentional and for *bona fide* reason i.e. on account of having noted down wrong date as 20.03.2023 instead of 20.02.2023.

Learned counsel for the petitioner further submits that the petitioner, if given a chance, shall continue to appear before the Trial Court

in the proceedings pending against him and furnish his fresh bail bonds/surety bonds.

4. Upon advance notice, Mr. G.S. Dhillon, AAG, Punjab appears 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 and thus, the order passed by the Court below warrant no interference.

5. I have heard learned counsel for the parties and gone through the paper book.

6. Perusal of record shows that after concession of bail granted by the Court below, the petitioner has been regularly appearing before the Trial Court, but for 20.02.2023 when on account of having noted down wrong date of hearing, he could not appear before the Trial Court, his bail was cancelled and bail bonds & surety bonds were forfeited to the State, followed by issuance of non-bailable warrants.

7. The reason mentioned by the petitioner in the present petition appears to be *bona fide*. Moreover, the petitioner is ready to appear before the Trial Court on each and every date and his appearance would help the Trial Court to conclude the proceedings.

8. In view of discussion made herein-above, the petition is allowed and the order dated 06.05.2023 (Annexure P-5) passed by the Trial Court is set aside. The petitioner is directed to appear 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/surety bonds, which shall be accepted by the Trial Court. Petitioner shall keep on appearing before the Trial Court

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on each and every date of hearing and file his affidavit in this regard before the Trial Court.

9. The aforesaid order shall be subject to payment of costs of Rs.5,000/- to be deposited by the petitioner with the District Legal Services Authority, Gurdaspur, on or before 22.12.2023.

04.12.2023
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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned: yes/no
Whether reportable? yes/no