

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

CRM-M-27803-2023

Date of Decision: 30.05.2023

Surjit Singh @ Sita

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Gagandeep Singh Bajwa, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (ORAL)

Prayer in the present petition is for quashing of the impugned order dated 01.12.2022, vide which the bail of the petitioner was cancelled and bail bonds/surety bonds were also cancelled and forfeited to the State and non-bailable warrants of arrest has been issued in a case CIS No.NDPS 445/2020 pertaining to FIR No.65, dated 11.07.2018, registered under Sections 29/21/61 of NDPS Act, 1985, at Police Station Bhindi Saidan, District Amritsar Rural.

It has been contended by learned counsel for the petitioner that alleged recovery effected from the petitioner was non-commercial. He submits that the petitioner was granted interim bail by the learned Special Court on 06.08.2018. He submits that the FIR pertains to the year 2018 and the petitioner was regularly appearing before the trial Court. He submits that the petitioner wrongly noted the date as 10.03.2023 instead of 01.12.2022 and could not appear on 01.12.2022, when his bail was cancelled. He submits that absence of the petitioner from the Court on the date of hearing was totally unintentional. He submits that the petitioner is ready to appear before the trial Court and abide by all the terms and conditions imposed by

the Court. He submits that the petitioner is keen to join the proceedings.

Notice of motion.

Mr. Sandeep Kumar, Deputy Advocate General, Punjab, accepts notice on behalf of the State.

Learned State counsel has opposed the submissions made by learned counsel for the petitioners and has stated that the trial Court has rightly cancelled the bail of the petitioner, who failed to appear before the Court on the date fixed.

Heard.

After hearing learned counsel for the parties and perusing the record, it is evident that the petitioner remained absent on 01.12.2022 and his bail was cancelled and bail bonds were forfeited to the State and he was ordered to be summoned through non-bailable warrants. The reason for his absence has been given as noting down of a wrong date. As the petitioner is keen to join the proceedings, no useful purpose would be served by sending him behind the bars rather it will be appropriate if he is allowed to join the proceedings in the main case. So keeping in view the abovesaid facts, the present petition is disposed of and the order dated 01.12.2022 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 one week from today.

In case the petitioner appears and surrenders before the Court concerned within a period of 10 days from today and files an appropriate application for bail alongwith receipt of abovesaid costs, the Court concerned is directed to admit him to bail subject to its satisfaction and proceed with the trial in accordance with law. He will have protection from

arrest for a period of 10 days form today.

Needless to say that in case the petitioner fails to comply with the abovesaid direction, he will have no benefit of above said protection granted by this Court and order under challenge dated 01.12.2022 would come in force.

30.05.2023
sharmila

Whether Speaking/Reasoned
Whether Reportable

(RAJESH BHARDWAJ)
JUDGE

: Yes/No
: Yes/No