

(130) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-28732-2023

Date of Decision:01.06.2023

Sukhchain Singh @ Chaina

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present : Mr. Yashpal Thakur, Advocate for the petitioner.

SANDEEP MOUDGIL, J. (Oral)

This is a petition under Section 482 Cr.P.C for quashing of order dated 27.03.2023 (Annexure P-1) whereby trial Court issued non-bailable warrant in FIR No.62 dated 29.10.2019 registered under Sections 22-29/61/85 of NDPS Act at Police Station Dharmgarh, District Sangrur.

Learned counsel for the petitioner contends that the petitioner could not appear before the trial Court on 27.03.2023 on account of noting of wrong date i.e. 27.04.2023. It is further asserted that he came to know about the date of hearing as 27.03.2023 when he contacted to his lawyer and went to the Court on 27.04.2023 to attend the Court proceedings. However, by that time, non bailable warrants stood issued by the trial Court vide order dated 27.03.2023 (Annexure P-1).

Notice of motion.

On the asking of the Court, Mr. Rajiv Verma, D.A.G. Punjab, who is present in Court, accepts notice and on instructions do not controvert the fact that the petitioner is absented from the trial Court only on one date i.e. 27.03.2023.

However, he submits that the said absence was deliberate and intentional and statement regarding noting of wrong date is made by him for his absence is after

thought.

Be that as it may, once the petitioner has approached the High Court for setting aside the order of issuing non bailable warrant against him shows his bona fide and willingness to appear before the trial Court to facilitate the proceeding before the trial Court. Keeping in mind that the justice should not be delayed and no prejudice would be caused to the State in case the aforesaid order is set aside and the petitioner is ordered to be released on bail, though, this Court is also sanguine of the fact that the powers of trial Court should not be usurped in exercise of powers under Section 482 Cr.P.C.

In view of the aforesaid discussion, the petitioner is directed to surrender before this trial Court within a period of one week from today and in case he moves an application for regular bail, the same shall be considered in accordance with law on the same date.

Disposed of in the aforesaid terms.

01.06.2023
rajeev

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No