

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-27572-2023 (O&M)

Date of Decision: 29.05.2023

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Sony Singh

*.....Petitioner**Versus*

State of Punjab

*.....Respondents***CORAM: HON'BLE MR. JUSTICE GURBIR SINGH.**Present: Mr. Abdul Aziz, Advocate
for the petitioner.**GURBIR SINGH, J (ORAL)**

The present petition has been filed under Section 482 Cr.P.C. for quashing of order dated 09.08.2022 (Annexure P-5) whereby bail granted to the petitioner has been cancelled and his bail bonds have been forfeited to the State in case FIR No.128, dated 14.06.2021, under Section 15 of NDPS Act registered at PS Dirba, District Sangrur.

2 Notice of motion.

3 On asking of the Court, Ms. Himani Arora, AAG, Punjab, accepts notice on behalf of respondent-State.

4 Learned counsel for the petitioner submits that non-appearance of the petitioner was not deliberate. Due to his ill health, he could not appear in the Court and moved an application for exemption from his personal appearance but the same was dismissed and bail granted to the petitioner was cancelled with his non-bailable warrants having been issued.

The order dated 09.08.2022(Annexure P-5) is as under:-

'Accused Soni Singh is absent today and exemption application has been filed on his behalf by the ld. Defence

counsel. Id. Additional Public Prosecutor has pointed that accused Soni Singh is not appearing in the Court from the last 3-4 adjournments and exemption applications are moved on his behalf on one pretext or other.

Heard. I have perused the judicial file. Accused Soni Singh is not appearing in the Court from last 04 adjournments and exemption application is being moved on his behalf on one pretext or other. Even today exemption application has been filed without any plausible explanation that why the accused is not appearing in the Court. Accordingly, application filed by Id.defence counsel for seeking personal exemption of accused is hereby declined. His bail order is hereby cancelled and bail bonds/surety bonds are cancelled and forfeited in favour of the State. Now, he be summoned through non-bailable warrant of arrest for 29.08.2022 through SHO of concerned Police Station. Notice to his surety under Section 446 Cr.P.C. be also issued for the date fixed.'

5 From the perusal of the order it reveals that the petitioner failed to appear despite 3-4 adjournments being granted and application was moved for exemption from personal appearance. There is no illegality in the order passed by learned trial Court.

6 In case, the petitioner surrenders in the trial Court on or before 02.06.2023 the date fixed, he shall be admitted to bail on his furnishing bail bonds/surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate

7 Accordingly, the petition stands disposed of.

(GURBIR SINGH)
JUDGE

29.05.2023

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