

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

CRM-M-28371-2023

Date of Decision: 01.06.2023

SUNIL KUMAR @ SONU

..... PETITIONER

VS

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

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

GURBIR SINGH, J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C. for quashing of the order dated 21.02.2023 in FIR No.743 dated 08.12.2015 under Sections 20-A/27-A NDPS Act registered at Police Station Sadar Ratia, District Fatehabad and all other consequential proceedings thereof whereby Id.Addl. Sessions Judge, Fatehabad has cancelled the bail of the petitioner and fortified the bail bond and surety bond and issued arrest warrant against petitioner.

Learned counsel for the petitioner submits that the petitioner was granted regular bail vide order dated 12.01.2016. He was attending the Court regularly. The wife of the petitioner is suffering from acute Asthma. On 20.02.2023, the wife of the petitioner fell ill due to fever with diarrhea and vomiting and doctor advised her bed rest. Due to this reason, the petitioner could not attend the court on 21.02.2023. The petitioner asked his counsel to file exemption application on his behalf. The counsel for the petitioner told him that the case has been adjourned to 24.05.2023. On

CRM-M-28371-2023

-2-

24.05.2023, when the petitioner visited the Court below, his counsel told him that his bail order has been cancelled and his bail bonds/surety bonds have been forfeited to the State.

As per order dated 24.05.2023, the petitioner was not having knowledge about issuing of warrant of arrest against him.

Notice of motion.

At the asking of the Court, Mr. Karan Sharma, DAG, Haryana accepts notice on behalf of respondent-State.

Since the petitioner was absent on only one date due to circumstances beyond his control. Accordingly, without commenting upon the merits of the case, the present petition is allowed and the petitioner is directed to surrender before the trial Court within a period of 10 days and move an application for bail and on doing so he be released on regular bail, on his furnishing bail bonds/surety bonds, to the satisfaction of learned Trial Court/Duty Magistrate, concerned with the further conditions.

1. The petitioner shall give his mobile number to the Trial Court and get the same registered, on which SMS shall be received from the CIS and shall not change his mobile number during pendency of the case.

2. The petitioner shall also get the same number registered with the concerned Police Station

The Trial Court is at liberty to impose any other condition that it may deem appropriate. It is further clarified that in case of default of any of the aforesaid conditions, then the concerned Court is competent to cancel the bail granted to the petitioner.

However, nothing contained herein above shall be construed as an expression of opinion on the merits of the case. If the petitioner indulge in the commission of any offence while on bail, the State would be at liberty to move an application for cancellation of his bail granted vide this order.

(GURBIR SINGH)
JUDGE

01.06.2023
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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No