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2023 : PHHC : 080113

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

**CRM-M-28695-2023
Date of Decision: 01.06.2023**

JASPAL SINGH

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. C.S.Rana, Advocate for the petitioner.
Ms. Ruchika Sabherwal, DAG Punjab.

* * *

VIVEK PURI, J. (ORAL)

1. Petitioner is seeking to quash the impugned order dated 29.04.2023, Annexure P-3 passed by the Court of learned Addl. Sessions Judge, Jalandhar vide which his bail order was cancelled.

2. Learned counsel for the petitioner contends that the petitioner has been arraigned as an accused in the case bearing FIR No. 183 dated 09.08.2020 under Section 15(A) of Narcotic Drugs and Psychotropic Substances Act, registered at Police Station Bhog Pur, District Jalandhar Rural. At the earlier instance, the petitioner was granted pre-arrest bail in terms of the order dated 31.08.2020, Annexure P-1. On 29.04.2023, the petitioner could not put appearance in the Court as he was out of station. Even, on the earlier date, an application for exemption from personal appearance was moved and the same was granted. On 29.04.2023, an application for exemption from personal appearance was moved but the request was declined. It was also observed that the trial of the other accused, who were in custody, is getting delayed on account of non-appearance of the petitioner. Accordingly, the bail order was cancelled, bail bonds and surety bonds were also cancelled and forfeited to the State, non-bailable warrants of the petitioner and notice to the surety were

ordered to be issued. Learned counsel for the petitioner further submits that

this was the first default on the part of the petitioner and he never absented from the proceedings during the course of trial at the earlier instance without getting the personal appearance exempted. The next date of hearing in the trial Court is stated to be 06.07.2023.

3. Notice of motion.

4. Ms. Ruchika Sabherwal, DAG Punjab accepts notice on behalf of the State and submits that appropriate directions be issued to the petitioner to ensure his presence during the course of trial.

5. It is significant to note that on 29.04.2023, the co-accused who were in custody were produced in the Court. Non-appearance of the petitioner is resulting in the delay of the disposal of the case.

6. However, in the interest of justice, it is directed that the petitioner shall surrender before the trial Court on or before 06.07.2023, the next date of hearing in the trial Court and shall move an application for regular bail and the same be disposed of in view of the facts and circumstances appearing in the case and in accordance with law. It is directed that the arrest of the petitioner shall remain stayed till the disposal of the bail application. Furthermore, the petitioner is also directed to deposit a cost to the tune of Rs. 10,000/- with the District Legal Services Authority, Jalandhar before 05.07.2023.

7. This order is without prejudice to the proceedings under Section 446 Cr.P.C. that may be initiated against the petitioner and the surety.

8. Disposed of.

01.06.2023

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No