

CRM-M-31557-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(114)

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Date of Decision:- 04.07.2023

Manjodh Singh @ Yodha

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Ramesh Sharma, Advocate for the petitioner.

...

SUVIR SEHGAL, J. (Oral)

1. By way of present petition filed under Section 482, Cr.P.C., petitioner seeks quashing of order dated 04.10.2021, Annexure P-2, passed by the Judge, Special Court, Kapurthala.

2. Counsel for the petitioner submits that the petitioner is an accused in FIR No.94 dated 22.03.2018 lodged for offence under Section 21 of Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station, Sultanpur Lodhi, District Kapurthala. Counsel submits that the petitioner was granted bail and had been regularly appeared before the Trial Court, but due to his non-appearance on 04.10.2021, his bail orders as well as bail and surety bonds were cancelled and forfeited to the State. Counsel submits that non-appearance is on account of mis-communication of the date of appearance. A categorical assertion has been made by him that the petitioner has not been declared as a proclaimed offender and the proceedings are

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pending before the Trial Court for 05.07.2023 and non-bailable warrants has been issued to procure his presence. Counsel submits that the petitioner is ready to appear before the Trial Court within any reasonable time granted by this Court.

3. Notice of motion.

4. On asking of the Court, Mr. Arun Luthra, Deputy Advocate General, Punjab, accepts notice on behalf of the respondent-State. He does not dispute the factual position.

5. Having heard counsel for the parties, this Court is of the view that a single default on behalf of the petitioner deserves to be condoned. As the petitioner is ready to surrender before the Trial Court, he deserves to be granted an opportunity to join the proceedings.

6. Consequently, it is directed that in case the petitioner surrenders before the Trial Court within a period of 3 weeks from today and joins the proceedings, he shall be released on bail, on his furnishing fresh bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. This will be subject to the condition that the petitioner will deposit costs of Rs.20,000/- with the Punjab and Haryana High Court Bar Association (Benevolent) Fund and furnish a receipt of deposit before the Trial Court.

7. Petition is disposed of.

(SUVIR SEHGAL)
JUDGE

04.07.2023

Pardeep

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes