

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(136)

CRM-M-30947 of 2023

Date of Decision:20.06.2023.

Ajesh Sharma

.....Petitioner

Versus**State of Punjab**

..... Respondent

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWALPresent: Mr. Naveen Batra, Advocate
for the petitioner.

VIKRAM AGGARWAL, J. (ORAL)

1. Prayer in the present petition preferred under Section 482 of the Code of Criminal Procedure (for short 'the Cr.P.C') is for setting aside the order dated 06.02.2023 (Annexure P-3) vide which the bail and surety bonds of the petitioner was cancelled and non-bailable warrants were issued.

2. Learned counsel for the petitioner submits that the petitioner was regularly appearing before the trial Court after having been granted regular bail by the learned trial Court. Reference has been made to the orders dated 04.03.2021 to 22.11.2022 (Annexure P-2). He submits that on 06.02.2023 he could not appear as a result of which his bail was cancelled and non-bailable warrants were issued to procure his presence. Learned counsel submits that the petitioner is willing to surrender before the trial Court but apprehends that he shall be taken into custody as his bail stands cancelled. He further submits that the petitioner shall continue to appear before the trial Court regularly in future.

3. Notice of motion.

4. On the asking of the Court Mr. I.P.S. Sabharwal, DAG, Punjab., accepts notice on behalf of the respondent.

5. The petitioner is facing trial in FIR No.5 dated 07.01.2020 (Annexure P-1), registered under Section 21 of the NDPS Act, at Police Station Special Task Force, District STF Wing. He was granted regular bail by the learned trial Court. The orders (Annexure P-2) do show that the petitioner was duly appearing before the trial Court. However, on 06.02.2023, he could not appear as a result of which his bail was cancelled and non-bailable warrants were issued to procure his presence. The conduct of the petitioner is deplorable since even after 06.02.2023 he did not bother to avail his remedies immediately rather waited for a period of more than 04 months before approaching this Court by way of the present petition. However, keeping in view the fact that the petitioner was regularly appearing before the trial Court before the first default on 06.02.2023 as also the fact that his absence shall only further delay the trial, I deem it appropriate to dispose of the present petition with a direction that in case the petitioner surrender before the trial Court within a period of 07 days from today and file an application for bail, he shall be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate. This shall however be subject to payment of Rs.10,000/- as costs to be deposited with the High Court Legal Services Committee. The petitioner shall continue to appear before the trial Court regularly and in case of any further default, the trial Court would be at liberty to proceed in accordance with law.

June 20th, 2023

Rekha

(VIKRAM AGGARWAL)
JUDGE

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