

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

117.

CRM-M No.44991 of 2023

Date of Decision:29.11.2023

Paras Gogna alias Paras Goban

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Bharat Puri, Advocate
for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

1. The petitioner has approached this Court under Section 482 Cr.P.C. praying for setting aside the order dated 11.07.2018 (Annexure P-3) passed by the learned Additional District & Sessions Judge-cum-Judge, Special Court, Jalandhar whereby bail bonds/surety bonds of the petitioner were cancelled and forfeited to the State and the petitioner has been summoned through non-bailable warrants in FIR No.349 dated 14.10.2017 registered under Section 22 of the NDPS Act at Police Station Nakodar Sadar, District Jalandhar Rural.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner was arrested in the aforesaid case on 14.10.2017 and was enlarged on regular bail vide order dated 28.11.2017 passed by the Judge, Special Court, Jalandhar. Thereafter, the petitioner was regularly appearing before the learned trial Court. However, on 11.07.2018, he could not put in appearance before the trial Court as he was not mentally fit and was taking treatment at Navjeevan Kendra (Drug De-addiction Centre), Civil Hospital, Kapurthala. The learned trial Court vide impugned order dated 11.07.2018 cancelled the bail of the petitioner and his bail

bonds and surety bonds were forfeited to the State. Further the presence of the petitioner was ordered to be secured through non-bailable warrants and notice under Section 446 Cr.P.C. was issued to his surety.

3. It is further contended that non-appearance of the petitioner before the trial Court was neither intentional nor willful and was due to the aforesaid *bona fide* reason. It is also contended that the petitioner is ready to join proceedings and undertakes to be remain present on each and every date of hearing.

4. Notice of motion.

5. Ms. Navreet Kaur Barnala, AAG, Punjab, who is present in Court, accepts notice of behalf of the respondent-State and submits that the petitioner willfully and deliberately avoided the process of law and therefore, the trial Court has rightly issued non-bailable warrants to secure his presence.

6. I have heard learned counsel for the parties and perused the paper book with their able assistance. With the consent of parties, the matter is taken up for final disposal.

7. A perusal of the case file would reveal that the petitioner was taking treatment from Navjeevan Kendra (Drug De-addiction Centre), Civil Hospital, Kapurthala due to which he could not attend the proceedings before the trial Court. Further, a perusal of zimni order dated 20.04.2023 passed by the trial Court indicates that non-bailable warrants issued to the petitioner remained unexecuted. Moreover, the petitioner himself came forward to join the proceedings and further undertakes to attend court proceedings on each and every date.

8. In view of the aforesaid facts and circumstances, the impugned order dated 11.07.2018 (Annexure P-3) is set aside. The petitioner is directed to surrender before the trial Court on or before 08.12.2023 and apply for grant of regular bail.

On his doing so, the Court concerned shall admit him to bail subject to furnishing bail bonds and surety bonds to its satisfaction along with costs of ₹10,000/- for wasting precious time of the Court to be deposited with the District Legal Services Authority, Jalandhar.

9. Needless to say, in case the petitioner fails to comply with the abovesaid direction, the order passed by this Court today shall stand automatically vacated.

10. The instant petition stands disposed of in above terms.

(HARPREET SINGH BRAR)
JUDGE

November 29, 2023

Pankaj*

Whether speaking/reasoned Yes/No

Whether reportable Yes/No