

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

121

CRM-M-33992-2023

Date of Decision: 20.07.2023

Shamsher Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present:- Mr. Avtar S. Khinda, Advocate,
for the petitioner.

VIKAS SURI, J. (Oral)

The instant petition preferred under Section 482 Cr.P.C. is for quashing of order dated 09.03.2023 (Annexure P-5), whereby the bail of the petitioner was cancelled and his bail bonds and surety bonds were cancelled and forfeited to the State and non-bailable warrants of arrest have been issued in a case bearing number CIS No.NDPS/189/2020 pertaining to FIR No.150 dated 20.09.2019, under Section 22 of NDPS Act, 1985, registered at P.S. Subhanpur, District Kapurthala.

Learned counsel for the petitioner contends that no recovery has been effected from the petitioner in this case. It is submitted that the petitioner was earlier granted bail by the Special Court. He submits that the FIR pertains to the year 2019 and the petitioner was regularly appearing before the trial Court. It is averred that the petitioner could not appear before

the trial Court on 09.03.2023 due to having noted a wrong date in the case, when his bail was cancelled. He submits that absence of the petitioner from the Court on the date of hearing was totally unintentional. It is also pleaded that non-bailable warrants were issued against the petitioner for 12.07.2023 and the case is now fixed for 11.12.2023 for awaiting the service of proclamation issued under Section 82 Cr.P.C. The petitioner is ready to appear before the trial Court and abide by all the terms and conditions imposed by the Court. He submits that the petitioner is keen to join the proceedings. Learned counsel also submits that the petitioner himself volunteers to deposit a sum of Rs.20,000/- for any social cause to benefit the society at large.

Notice of motion.

On advance notice, Mr. Sanish Girdhar, AAG, Punjab, puts in appearance on behalf of the State and waives service.

Learned State counsel has opposed the submissions made by learned counsel for the petitioner and has stated that the trial Court has rightly cancelled the bail of the petitioner, who failed to appear before the Court on the date fixed.

Heard.

After hearing learned counsel for the parties and perusing the record, it is evident that the petitioner remained absent on 09.03.2023 and his bail was cancelled and bail bonds were forfeited to the State and he was ordered to be summoned through non-bailable warrants. The reason for his absence has been given as noting down of a wrong date. As the petitioner is keen to join the

proceedings, no useful purpose would be served by sending him behind the bars rather it will be appropriate if he is allowed to join the proceedings in the main case. So keeping in view the abovesaid facts, the present petition is disposed of and the order dated 09.03.2023 is set aside subject to payment of Rs.20,000/- as costs to be deposited with the Poor Patients' Welfare Fund, PGIMER, Chandigarh, (<https://pgimer.edu.in/>) by the petitioner within a period of 09 days from today.

In case the petitioner appears and surrenders before the Court concerned within a period of 10 days from today and files an appropriate application for bail alongwith receipt of abovesaid costs, the Court concerned is directed to admit him to bail subject to its satisfaction and proceed with the trial in accordance with law. He will have protection from arrest for a period of 10 days form today.

Needless to say that in case the petitioner fails to comply with the abovesaid direction, he will have no benefit of above said protection granted by this Court and order under challenge dated 09.03.2023 would come in force.

July 20, 2023
Harish

(VIKAS SURI)
JUDGE

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