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

CRM-M-35349-2023 (O&amp;M)

Date of decision: July 24, 2023

Avtar Singh

....Petitioner

versus

State of Punjab

....Respondent

**CORAM: HON'BLE MR. JUSTICE ARUN MONGA****Present:-** Mr. Gursimran Singh, Advocate for  
Mr. GaganBaj, Advocate for petitioner.

Mr. Dhruv Dayal, Additional AG Punjab.

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**ARUN MONGA, J. (ORAL)**

Present petition has been filed under Section 482 of Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for quashing impugned order dated 10.05.2023 (Annexure P-4) whereby bail order were cancelled and bail/ surety bonds of petitioner were forfeited, in case FIR No.67 dated 20.05.2021, registered under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), at Police Station, Kiratpur Sahib, District Rupnagar, Punjab.

2. Per prosecution version, on 20.05.2021, police party apprehended Mandeep Singh and Avtar Singh (petitioner) at *anaka* (barricade) while they were coming on a motorcycle. From right side pocket of lower of Mandeep Singh, one plastic pouch which was containing 3 strips of 60 tablets each and one strip of 20 tablets and another strip of 40 tablets (total 240 tablets), labeled as LOMOTIL, were recovered, without having any permit or licence.

3. Learned counsel for the petitioner submits that petitioner along with co-accused were both arrested on the spot. Petitioner was granted interim bail by the Court below vide order dated 08.07.2021 (Annexure P-2) till the receipt of FSL report. On 10.05.2023, petitioner through his counsel moved an application for exemption from personal appearance because he was admitted in de-addiction centre. Petitioner could not thus appear before learned trial Court. Vide impugned order dated 10.05.2023 (Annexure

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P-4), learned trial Court declined the aforesaid application and bail order of the petitioner was cancelled and his bail/ surety bonds were forfeited to the State. He submits that petitioner is ready to join proceedings.

4. Notice of motion.

5. On the asking of Court, learned State counsel accepts notice and on instructions from ASI Surjit Singh opposes the petition.

6. Petitioner was stated to be admitted in de-addiction centre and yet his application for grant of exemption from personal appearance was declined by learned trial Court. I am of the view that non-appearance of the petitioner before trial Court was not intentional, but beyond his control due to his admission at the de-addiction centre. There was no intent to flee the court proceedings.

7. Moreover, cancellation of bail is a serious matter and can have significant impact on the life of a person. Matters of personal liberty ought not to be taken so lightly and in such mechanical manner as in the case herein.

8. In the premise, impugned order is set aside. Earlier bail order stands revived on bail bond and surety bond already furnished by petitioner before learned trial Court. Petitioner is directed to join proceedings before learned trial Court within three weeks from today and shall continue to appear before learned trial Court without default.

9. Petition is accordingly allowed.

10. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)  
JUDGE

July 24, 2023

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No