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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-39625-2023 (O&M)

Date of decision: August 11, 2023

Jasvir Singh

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:-** Mr. Karan Singla, Advocate for petitioner.

Mr. Dhruv Dayal, Additional AG Punjab.

ARUN MONGA, J. (ORAL)

Petition herein is for quashing of impugned order dated 18.01.2013 (Annexure P-6) passed by learned Judicial Magistrate 1st Class, Sunam, in FIR No.0014 dated 15.12.2020, under Section 21 of NDPS Act, registered at Police Station, Chhajli, whereby non-bailable warrants were issued against the petitioner for non-appearance before the court. Bail was cancelled and bail/ surety bonds of petitioner have been directed to be forfeited to the State.

2. Learned counsel for the petitioner submits that petitioner was earlier granted bail vide order dated 27.07.2020 by the learned JMIC, Sunam in FIR in question. Co-accused, namely, Kulwant Singh was also granted bail vide order dated 19.02.2020 by learned JMIC. Petitioner never misused the concession of aforesaid bail order. He further submits that petitioner had asked his counsel to seek his exemption on the slated hearing. However, his counsel inadvertently did not move any application, and thus the impugned order was passed. Learned JMIC also issued non-bailable warrants of the petitioner.

2.1. Petitioner applied for grant of anticipatory bail before learned Additional Sessions Judge, Sangrur, which was dismissed being not maintainable. However, it was ordered that in case, petitioner surrendered within 7 days and sought regular bail, the same was to be considered on urgent basis.

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3. On advance service of petition, learned State counsel appears and opposes the petition.
4. I have heard learned counsel for the parties and perused the record.
5. Concededly, petitioner was earlier granted bail by the learned Court below vide order dated 27.07.2020 by learned JMIC, Sunam. Thereafter, petitioner could not appear before the Court below on the date fixed, as on the same date, he was required and taken by police officials for some examination purposes. In the premise, he had also asked his counsel before Court below to seek his exemption from appearance, but counsel failed to do so, as is the pleadedcase. Learned counsel contends that absence on the date fixed before Court below was unintentional and beyond petitioner’s control since he was taken by police. Petitioner is stated to be 25-year old young person.
6. 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.
7. In overall premise, impugned order is set aside. Earlier bail order stands revived on bail bond and surety bond already furnished by petitioner before learned Court below. Petitioner is directed to join proceedings before learned Court below within three weeks from today and shall continue to appear before learned trial Court without default.
8. Petition is accordingly allowed.
9. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

August 11, 2023

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No