

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

135

CRM-M-40952-2023 (O&M)

Date of decision: 21.08.2023

Ritik Sandhu @ Shari

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Harmanpreet Singh, Advocate for the petitioner.

VIKAS SURI, J.

Prayer in the present petition filed under Section 482 Cr.P.C., is for quashing of impugned order dated 08.05.2023 (Annexure P-3), passed by Special Court, Amritsar in a case trial FIR No.140 dated 01.06.2021, under Sections 21(b) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Gate Hakima, District Police Commissionerate Amritsar, whereby the bail of the petitioner has been cancelled and his bail bonds and surety bonds forfeited to the State.

2. Notice of motion.

3. Mr. Sanish Girdhar, AAG, Punjab, puts in appearance on behalf of respondent-State and waives service.

4. Learned counsel for the petitioner contends that the petitioner is facing trial in above said FIR and has been regularly appearing before the Court. On account of single default in causing appearance on 08.05.2023 due to wrong noting down the date of hearing, the impugned order has been passed and the presence of the petitioner has been ordered to be procured

through non-bailable warrants. The non-appearance of the petitioner was neither unintentional nor wilful but due to factors beyond the petitioner's control. The matter is now pending for 17.10.2023 awaiting the presence of the petitioner. He prays that petitioner is keen and willing to join proceedings by adhering by any terms and conditions so imposed by this Court.

5. Learned State counsel, on instructions from ASI Gurmeet Singh, Police Station Gate Hakima, very fairly submits that the petitioner is not involved in any other case and, it was the sole date of hearing when he failed to put in appearance while being on bail. He further submits that the petitioner be put to terms and be allowed to join the proceedings for expeditious disposal of trial.

6. I have heard learned counsel for the parties and gone through the record.

7. After hearing learned counsel for the parties and perusing the record, it is evident that the petitioner failed to appear on 08.05.2023. Resultantly, his bail order was cancelled and his bail and surety bonds were forfeited to the State while ordering to procure his presence through warrants of arrest. The reason assigned for his absence was noting down of wrong date. However, the petitioner is keen to join the proceedings and no useful purpose would be served by sending him behind bars; rather it will be appropriate if he is allowed to face the trial.

8. Hence, keeping in view the above, impugned order dated 08.05.2023 (Annexure P-3) is set aside subject to payment of Rs. 10,000/- as costs to be deposited with the 'Ajit Singh Police Welfare Fund', Account No.12171450000081, HDFC Bank, Sector 15-C, Chandigarh-160015, RTGS/NEFT IFSC: HDFC0001217 and the petitioner is directed to surrender

before the trial Court on or before 02.09.2023 and move an application for grant of bail alongwith receipt of payment of costs, whereupon the Court concerned shall admit him to bail subject to his furnishing bail bonds and surety to its satisfaction and proceed with the trial in accordance with law.

9. Needless to observe that in case the petitioner fails to comply with the abovesaid direction, then this order shall stand recalled automatically under Section 362 read with Section 482 Cr.P.C. without any further reference to this Court.

August 21, 2023
sumit.k

(VIKAS SURI)
JUDGE

Whether speaking/reasoned :	Yes / No
Whether Reportable :	Yes / No