

CRM-M-43594-2023 (O&M)

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

(122)

CRM-M-43594-2023 (O&M)

Date of decision:- 06.09.2023

Mukhtiar Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Kartar Singh, Advocate for the petitioner.

SUVIR SEHGAL, J. (Oral)**CRM-37228-2023**

1. Application is allowed as prayed for.
2. Medical record of the petitioner is taken on record as Annexure P-4.

Main case

1. By way of present petition filed under Section 482 of the Code of Criminal Procedure, 1973, petitioner has approached this Court for quashing impugned order dated 15.05.2023, Annexure P-3, whereby his bail has been cancelled and bail and surety bonds have been forfeited.
2. Counsel for the petitioner submits that the petitioner has been named as an accused in FIR No.115 dated 10.05.2022, Annexure P-1, lodged for offences under Sections 21 (b) of the NDPS Act, however, later on Section 27-A of the NDPS Act was added, at Police Station Sadar Tohan, District Fatehabad on the basis of a disclosure statement of a co-accused, Rani, from whom 7.88 grams of smack was recovered. He submits that the petitioner was apprehended and by order dated 14.07.2022, he was released on regular bail. Counsel submits that the petitioner has been regularly appearing before the Trial Court, but on 15.05.2023 when the impugned order was passed, petitioner could not appear before the Trial

Court as he met with an accident and fractured his leg. He submits that although intimation was sent to the counsel, but an application for exemption was not moved, the petitioner is prepared to surrender before the Trial Court and join the proceedings.

3. Notice of motion.
4. On asking of the Court, Mr. Munish Sharma, DAG, Haryana accepts notice on behalf of the State-respondent. He has opposed the prayer made in the petition. He submits that the petitioner has been named as an accused in another criminal case lodged against him for offence under the NDPS Act.
5. Having heard counsel for the parties, this Court is of the view that as a single default at the hands of the petitioner, deserves to be condoned and the petitioner should be given an opportunity to join the proceedings.
6. Accordingly, it is directed that in case, petitioner surrenders before the Trial Court on or before 25.09.2023, the next date before the Court below, and moves an appropriate application, he shall be released on bail on furnishing fresh bail/surety bonds to the satisfaction of the Court concerned. This will be the subject to deposit of cost of Rs.10,000/- with the Poor Patient Welfare Fund, PGIMER, Sector-12, Chandigarh. The receipt for the deposit shall be furnished by the petitioner to the Trial Court and shall be a condition precedent to his release on bail.
7. Petition is disposed of.

06.09.2023 (SUVIR SEHGAL)
Kamal JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No