

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

CRM-M-49302-2022

Date of decision :20.03.2023

JASVIR

... Petitioner(s)

Versus**STATE OF PUNJAB**

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Ms. Hasrat Brar, Advocate
for the petitioner(s).

Ms. Navreet Kaur Barnala, Asstt. A.G., Punjab.

JASJIT SINGH BEDI, J. (ORAL)

The prayer in the present petition under Section 482 Cr.P.C. is for quashing of the order dated 05.05.2022 (Annexure P-5) passed by the Judge, Special Court, Moga, whereby the bail granted to the petitioner has been cancelled and his bail bonds/surety bonds have been forfeited to the State and non-bailable warrants of arrest have been issued in FIR No.17 dated 02.03.2020 registered under Section 21 of the NDPS Act at Police Station Moga, District Moga.

On 21.10.22, the following order was passed:-

“The prayer in the present petition under Section 482 Cr.P.C. for quashing the impugned order dated 05.05.2022 (Annexure P-5) passed by the Judge, Special Court, Moga alongwith all consequent proceedings arising thereto, whereby the bail granted to the petitioner has been cancelled and his bail bonds/surety bonds have been forfeited to the State and nonbailable warrants of arrest of the petitioner have been issued in FIR No.17 dated 02.03.2020 under Section 21 of the NDPS Act, at

Police Station Sadar Moga, District Moga (Annexure P-1).

The Counsel for the petitioner contends that the petitioner was unable to appear on one date i.e. 05.05.2022 because of which the impugned order (Annexure P-5) has been passed. He contends that the petitioner is ready and willing to join the proceedings once again.

Notice of motion for 28.02.2023.

In the meanwhile, the petitioner is directed to surrender before the Trial Court within a period of one week from today subject to a deposit of Rs.10,000/- as costs with the Sadhna Society for the Mentally Handicapped, Near Housing Board Chowk, Raen Basera Building, Manimajra, Sector 13, Chandigarh and on his doing so he shall be admitted to interim bail to the satisfaction of learned trial Court.”

Thereafter, on 28.02.2023, the following order was passed:-

“The prayer in the present petition under Section 482 Cr.P.C. for quashing the impugned order dated 05.05.2022 (Annexure P-5) passed by the Judge, Special Court, Moga alongwith all consequent proceedings arising thereto, whereby the bail granted to the petitioner has been cancelled and his bail bonds/surety bonds have been forfeited to the State and nonbailable warrants of arrest of the petitioner have been issued in FIR No.17 dated 02.03.2020 under Section 21 of the NDPS Act, at Police Station Sadar Moga, District Moga (Annexure P-1).

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Due to the paucity of funds, the petitioner was unable to comply with the aforementioned order and therefore seeks one more opportunity for the same.

List on 20.03.2023.

In the meantime, the petitioner is directed to surrender before the Trial Court within one week and on his surrendering, he shall be admitted to interim bail to the satisfaction of the Trial Court.”

The learned counsel for the petitioner contends that the petitioner has not surrendered in compliance of the aforementioned orders.

In view of the above, I find no merit in the present petition. Therefore, the same is dismissed.

(JASJIT SINGH BEDI)
JUDGE

20.03.2023
JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No