

CRM-M-48282-2023 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-48282-2023 (O&M)

Date of decision: September 25, 2023

Dalip Singh

....Petitioner

versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:-** Ms. Nancy Vashistha, Advocate for petitioner.

Ms. Svaneel Jaswal, Additional AG Haryana.

ARUN MONGA, J. (ORAL)

Petitioner is aggrieved against an order dated 11.09.2023 (Annexure P-3) passed by learned Additional Sessions Judge, Ambala, in a case bearing FIR No.280 dated 25.09.2018 registered under Section 18 of NDPS Act, Police Station, GRP Ambala, District Ambala. Vide said order, impugned herein, non-bailable warrants have been issued against the petitioner. His 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 18.11.2019 by a co-ordinate Bench of this Court. Petitioner never misused the concession of bail. However, on 11.09.2023, petitioner could not appear before the Court below and an exemption application was also moved stating that his brother had died and he was held in performing his last rites and ceremonies. Notwithstanding, vide impugned order, his bail was cancelled and bond forfeited to the State, and non-bailable warrants were issued against him. Non-appearance of the petitioner was neither intentional nor deliberate but due to demise of his brother.

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.

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5. Concededly, petitioner was earlier granted bail by the learned Court below vide order dated 18.11.2019. His absence on the date fixed before Court below was unintentional and beyond control since his brother had expired and he had to perform his last rites and ceremonies. I find that the non-appearance on the date fixed had a valid reason and, the court below ought to have allowed the exemption application.
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 the 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

September 25, 2023

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No