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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-52711-2023(O&M)

Date of decision: 17.10.2023

Rahul Chandok

....Petitioner

versus

State of Punjab

....Respondent

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

Mr. Dhruv Dayal, Additional AG Punjab.

ARUN MONGA, J. (ORAL)

Petitioner is aggrieved against an order dated 29.08.2023 (Annexure P-3) passed by learned Additional Sessions Judge, Gurdaspur, in a case bearing FIR No.97 dated 27.06.2022 registered under Sections 21 and 61, of NDPS Act, 1985, Police Station, City, Batala, District Gurdaspur (Annexure P-1). Vide said order, impugned herein, non-bailable warrants have been issued against the petitioner. His bail was cancelled and bonds/surety bonds have been cancelled and forfeited to the State.

2. Learned counsel for the petitioner submits that the petitioner was granted regular bail on 01.08.2022 citing the above as admitted recovery was of non-commercial and recovery made from the co-accused was detective. He further submits that petitioner is innocent and has been falsely implicated and has not committed the offences as alleged in the FIR and the chargesheet.

2.1 He further contends that petitioner was regularly appearing but unfortunately due to livelihood went to Jammu and Kashmir and got struck and noted wrong date and petitioner absented only for just single date. On 29.08.2023, when the petitioner could not appear before the Court below, an exemption application was also submitted, stating that the petitioner noted the wrong date as 29.09.2023 instead of 29.08.2023. Nevertheless, vide the impugned order, his bail was cancelled, his bail bonds/surety bonds were forfeited to the State, and non-bailable warrants were issued

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against him. The non-appearance of the petitioner was neither intentional nor deliberate but due to noting the wrong date.

3. Upon the advance service of the petition, the learned State counsel appears and opposes the petition.

4. I have heard the learned counsel for the parties and reviewed the record.

5. Undoubtedly, the petitioner was previously granted bail by the learned Court below through an order dated 01.08.2022. His absence on the date set before the Court below was unintentional and beyond his control since the petitioner noted the wrong date as 29.09.2023 instead of 29.08.2023. I find that the non-appearance on the said date had a valid reason, and the Court below should have allowed the exemption application.

6. The cancellation of bail is a serious matter and can have a significant impact on a person's life. Matters of personal liberty should not be taken lightly and handled in such a mechanical manner, as in the present case.

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

17.10.2023
Jyoti Thakur

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No