

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

CRM-M-59678-2022

Date of decision : 08.02.2023

Saif Ali Singh

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Kanwar Pahul Singh, Advocate
for the petitioner.

Mr. Karunesh Kaushal, AAG, Punjab.

RAJESH BHARDWAJ, J. (Oral)

Prayer in the present petition is for quashing of the order dated 05.11.2022 by virtue of which, learned Special Court has cancelled the bail bonds of the petitioner due to his absence in a case FIR No.68 dated 18.10.2018, under Section 22 of NDPS Act, registered at Police Station Khalra, District Tarn Taran.

It has been submitted by counsel for the petitioner that the petitioner is facing prosecution in another FIR No.13 dated 09.02.2022, under Sections 21-B, 29, 61, 85 of NDPS Act, at Police Station Khalra and he was granted bail in that case on 11.11.2022. He submits that admittedly the petitioner is behind bars in other case since 29.09.2022 till 11.11.2022. He further submits that in the present case, petitioner was already on bail. However, on account of mis-communication between him and his counsel, he remained absent only on one date i.e. 23.09.2022 and thus, his bail bonds were cancelled by learned Special Court vide impugned order dated 05.11.2022 and he was ordered to be summoned through non-bailable warrants. He submits that his absence was totally

unintentional and the petitioner immediately approached this Court praying for quashing of this order, however, there was no interim order. He submits that the petitioner is keen to join the proceedings. He submits that petitioner will be conscious enough and undertakes not to repeat this mistake in future and he will abide by all terms and conditions of bail.

Learned State counsel has opposed the submissions made by learned counsel for the petitioner and has stated that the trial Court has rightly cancelled the bail granted to the petitioner who remained absent on 23.09.2022 without any valid reason.

Heard.

After hearing learned counsel for the parties, it is transpired that the petitioner is facing trial in a case under NDPS Act and he did not appear before the Court on 23.09.2022 because of which, his bail/surety bonds were cancelled and forfeited to the State and he was ordered to be summoned through non-bailable warrants. The petitioner has explained his absence to be because of mis-communication between him and his counsel with regard to the date fixed in the trial Court. He is keen to join the proceedings and has undertaken not to repeat such kind of default in future. So keeping in view the abovesaid facts, the present petition is disposed of and the order dated 05.11.2022 is *set aside* subject to payment of Rs.35,000/- as costs to be deposited with the Poor Patients' Welfare Fund, PGIMER, Chandigarh by the petitioner in one week from today. In case, the petitioner appears and surrenders before the Court concerned within a period of 10 days from today and produce receipt of abovesaid costs and files an application for bail, the Court concerned would admit him to bail in accordance with law. He will have protection

from arrest for a period of 10 days from today.

Needless to say that in case the petitioner fails to comply with the abovesaid direction, he will have no benefit of abovesaid protection granted by this Court and order under challenge dated 05.11.2022 would come in force.

08.02.2023
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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