

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(131)

CRM-M-57690-2023

DATE OF DECISION:- 23.11.2023

RANJIT SINGH @ MINTU

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Amit Arora, Advocate
for the petitioner.

SUVIR SEHGAL, J. (Oral)

1. By way of present petition filed under Section 482 of the Code of Criminal Procedure, 1973, petitioner has approached this Court seeking quashing of order dated 04.07.2023 passed by the Special Court, Tarn Taran, Annexure P-3.

2. Counsel for the petitioner submits that the petitioner has been named as an accused in FIR No.44 dated 15.02.2018, registered for offence under Section 22 of the NDPS Act at Police Station City Tarn Taran, District Tarn Taran, Annexure P-1, on the allegation that recovery of eight intoxicant injections and four vials has been effected from him. He submits that the petitioner was released on interim bail by order dated 26.03.2018, Annexure P-2 and has been appearing before the Court regularly. However, due to miscommunication of date of appearance, petitioner could not appear on 04.07.2023, when his bail and bail bonds/surety bonds were cancelled and forfeited to the State. Counsel submits that non-bailable warrants have been issued to secure the presence of the petitioner and the next date before the Trial Court is

02.12.2023. Counsel submits that the petitioner, who enjoys a clean past, is prepared to surrender before the Trial Court and join the proceedings.

3. Notice of motion.
4. On asking of the Court, Mr. Arun Luthra, DAG, Punjab accepts notice on behalf of the State-respondent. He has opposed the prayer made in the petition.
5. Having heard counsel for the parties and considering their submissions, this Court is of the view that petitioner deserves to be granted an opportunity to join the proceedings as it appears from the record before this Court that petitioner’s non-appearance on 04.07.2023, was the first default. Probability of miscommunication of date cannot be ruled out.
6. Accordingly, it is directed that in case the petitioner surrenders before the Trial Court on or before 02.12.2023, joins the proceedings and moves an appropriate application seeking grant of regular bail, the Trial Court shall make an endeavour and decide the application on the day it is filed. This will be subject to deposit of cost of Rs.10,000/- with the Social Welfare Fund Committee of Bar Clerks Association Punjab and Haryana High Court at Chandigarh. The receipt of deposit shall be furnished by the petitioner to the Trial Court on the day he surrenders.
7. With the above direction, petition is disposed of.

23.11.2023
Kamal

(SUVIR SEHGAL)
JUDGE

Whether speaking/ reasoned	Yes/ No
Whether Reportable	Yes/ No