

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

123

CRM-M-59703-2023
Date of decision:15.12.2023

JASPAL SINGH

... PETITIONER

VERSUS

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Ms. Arshdeep Kaur, Advocate for
Mr. Yashpal Thakur, Advocate for the petitioner.

SUVIR SEHGAL J. (ORAL)

1. By way of present petition, petitioner has approached this Court seeking quashing of order dated 24.05.2023, Annexure P-3, whereby his bail was cancelled, bail and surety bonds were forfeited to the State and non-bailable warrants were issued to secure his presence.
2. Counsel for the petitioner submits that the petitioner has been named as an accused and FIR No.117 dated 03.07.2019, registered under Sections 21, 22 and 27 of the NDPS Act, 1985, however, Section 29 of the NDPS Act was added, later on, at Police Station City Dhuri, Annexure P-1, and by order dated 03.08.2019, Annexure P-2, he was released on interim bail as FSL report was awaited. Counsel submits that *challan* was presented and charge was framed on 15.01.2020 and the proceedings were deferred 17 times and the petitioner was regularly appearing before the Trial Court. She submits that on account of default in appearance on 24.05.2023, as he was ailing, impugned order, Annexure P-3, was passed. She submits that now proceedings under Section 82, Cr.P.C., have been initiated.

3. Notice of motion.
4. On asking of the Court, Mr. Harkanwar Jeet Singh, AAG, Punjab, accepts notice on behalf of the respondent-State. As per his instructions, proclamation has been issued for appearance of the petitioner before the Trial Court on 19.12.2023. Upon instructions, he submits that although the petitioner has a clean past, but the petitioner does not deserve any sympathy as he is involved in trade of intoxicating substance.
5. I have heard counsel for the parties.
6. Noticing that the impugned order has been passed on account of a singular default on the part of the petitioner, this Court is of the view that he deserves to be given an opportunity to join the proceedings.
7. Let the petitioner surrender before the Trial Court on or before 19.12.2023, join the proceedings and move an appropriate application seeking grant of regular bail. On doing so, the Trial Court shall proceed to decide his application as expeditiously as possible. This will be subject to deposit of cost of Rs.10,000/- with the Social Welfare Fund Committee of Bar Clerks Association of this Court, which shall be a pre-condition to the decision on the application filed by the petitioner.
8. Petition is disposed of.

15.12.2023
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No