

111

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.60548 of 2023

Date of Decision: 02.12.2023

SHAUKAT ALI @ SHOUQUAT ALI @ SHOAQUAT ALI
.....Petitioner

Vs

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Tushar Sharma, Advocate
for the petitioner.

Mr. Shubham Kaushik, Asstt. A.G., Punjab.

HARKESH MANUJA, J. (Oral)

1. By way of present petition under Section 482 Cr.P.C., prayer has been made for quashing of Orders dated 04.11.2023 (Annexure P-4) and 21.11.2023 (Annexure P-5) passed by the Trial Court, whereby non-bailable warrants have been issued against the petitioner so as to procure his presence.

2. In the present case, the petitioner was implicated in FIR No.0108 dated 31.05.2018 registered under Section 29 of the NDPS Act, 1985 at Police Station Sohana, District SAS Nagar (Mohali). In the said FIR, petitioner was granted regular bail by this Court vide order dated 26.10.2018 and thereafter, he has been appearing regularly before the Trial Court.

3. On account of non-appearance of the petitioner on 04.11.2023,

followed by another non-appearance on 21.11.2023, non-bailable warrants have been issued against him vide orders so as to procure his presence. The aforesaid two orders have been impugned in the present petition.

4. Learned counsel for the petitioner submits that non-appearance of the petitioner on 04.11.2023 was totally unintentional and for *bona fide* reasons on account of having noted wrong date as 05.11.2023 instead of 04.11.2023.

5. Learned counsel further submits that petitioner is ready to appear before the Trial Court on the date fixed i.e. 05.12.2023 and furnish his fresh bail bonds/surety bonds.

6. On the other hand, the prayer made hereinabove is opposed at the instance of learned State counsel by submitting that non-appearance of the petitioner before the Trial Court was infact a delaying tactics and thus, the orders passed by the Court below warrant no interference.

7. I have heard learned counsel for the parties and gone through the paper book.

8. Perusal of record shows that after concession of bail granted by this Court vide order dated 26.10.2018, the petitioner has been regularly appearing before the Trial Court, but for 04.11.2023 when on account of having noted down wrong date of hearing, he could not appear before the Trial Court, his bail was cancelled and surety bonds were forfeited to the State.

9. The reason mentioned by the petitioner in the present petition, appears to be *bona fide*. Moreover, the petitioner is ready to appear before

the Trial Court on the date fixed i.e. 05.12.2023 and his appearance would help the Trial Court to conclude the proceedings.

10. In view of discussion hereinabvoe, the Orders dated 04.11.2023 (Annexure P-4) and 21.11.2023 (Annexure P-5) passed by the Trial Court are set aside, subject to appearance of the petitioner before the Trial Court on the date fixed i.e. 05.12.2023 and furnishing fresh bail bonds/surety bonds which shall be accepted by the Trial Court. Petitioner shall keep on appearing before the Trial Court on each and every date of hearing and file his affidavit in this regard before the Trial Court on the date fixed.

11. Petition is allowed.

December 02, 2023

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(HARKESH MANUJA)
JUDGE

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