

CRM-M-61351-2023

127 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-61351-2023

Date of decision:- 06.12.2023

GURWINDER SINGH @ KAKA

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present : Mr. Vinay Kumar, Advocate
for the petitioner.

Ms. Navreet Kaur Barnala, AAG Punjab.

HARPREET SINGH BRAR, J. (Oral)

1. The petitioner has approached this Court under Section 482 Cr.P.C. praying for setting aside the order dated 23.03.2022 (Annexure P-4) passed by JSC, Gurdaspur in case No. NDPS-226/2021 titled as Gurpreet Singh @ Gopi etc. whereby bail bonds/surety bonds of the petitioner were cancelled and forfeited to the State and the petitioner has been summoned through non-bailable warrants in FIR No. 13 dated 06.02.2021 registered under Section 21(B) of NDPS Act (Section 29 of NDPS Act added later on) at Police Station Dhariwal, District Gurdaspur.

2. Learned counsel for the petitioner *inter alia* contends that the name of the petitioner was not mentioned in the FIR and he was implicated on the basis of disclosure statement suffered by the co-accused. The petitioner being illiterate person under the wrong impression that he has been acquitted and did not appear before the learned trial Court. Ultimately, the learned trial Court cancelled the bail of the petitioner and forfeited bonds/surety bonds to the State vide impugned order dated 23.03.2022. As such, the petitioner was summoned through non-bailable warrants for 26.04.2022. It is further contended that non-appearance of the

petitioner before the learned trial Court on 23.03.2022 was neither intentional nor willful but was due to wrong impression that he has been acquitted by the trial Court and therefore, prays for setting aside of the order dated 23.03.2022. The petitioner is ready to join proceedings and undertakes to be remained present on each and every date of hearing.

3. Heard.

4. A perusal of the case file would reveal that the petitioner herein failed to appear before the learned trial Court on 23.03.2022 as he was under the wrong impression that he was acquitted by the trial Court. Moreover, the petitioner is ready to join the proceedings and further undertakes to attend court proceedings on each and every date.

5. In view of the aforesaid facts and circumstances, the impugned order dated 23.03.2022 (Annexure P-4) is set aside. The petitioner is directed to surrender before the trial Court on or before 18.12.2023 and apply for grant of regular bail. On his doing so, the Court concerned shall admit him to bail subject to furnishing bail bonds and surety bonds to its satisfaction along with costs of ₹10,000/- for wasting precious time of the Court to be deposited with the District Legal Services Authority, Gurdaspur.

6. Needless to say, in case the petitioner fails to comply with the abovesaid direction, the order passed by this Court today shall stand automatically vacated.

7. The instant petition stands allowed in above terms, without issuing notice to the respondent in order to save time of the Court and to avoid litigation expenses to be incurred on the part of the respondent.

8. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

(HARPREET SINGH BRAR)
JUDGE

December 06, 2023

Ajay Goswami

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No