

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

(129)

CRM-M-61300-2023

Date of decision:- 06.12.2023

Gurjant Singh @ Sunny

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Ms. Satwant Mehta, 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 is seeking quashing of order dated 25.01.2023, Annexure P-5, passed by learned Special Judge, Tarn Taran, whereby warrants of arrest have been issued to secure his presence.
2. Counsel submits that the petitioner has been named as an accused in FIR No.0176 dated 28.07.2019, registered for offence under Section 21 of the NDPS Act at Police Station Sadar Tarn Taran, District Tarn Taran, Annexure P-1, as allegedly recovery of 70 grams heroin was effected from him. She submits that the petitioner was released on regular bail by order dated 10.09.2019, Annexure P-2, by the Special Court, Tarn Taran and has been regularly appearing before the Trial Court, but due to miscommunication of date, he could not appear on 25.01.2023 when the impugned order was passed, his bail and bail/surety bonds were cancelled. Counsel submits that now non-bailable warrants have been issued to secure his presence for 14.12.2023 and he is prepared to surrender before the Trial Court.

3. Notice of motion.
4. On asking of the Court, Mr. A.P.S.Tung, DAG, Punjab accepts notice on behalf of the State-respondent. Upon instructions received from ASI, Sukhdev Singh, he submits that the petitioner is involved in three other criminal cases, but he is not accused in any other matter for offence under the NDPS Act.
5. Having heard counsel for the parties, this Court is of the view that a single default on the part of the petitioner deserves to be condoned and he should be afforded an opportunity to appear before the Trial Court.
6. Accordingly, petitioner is directed to surrender before the Trial Court and join the proceedings on or before 14.12.2023. On his doing so and moving an appropriate application, petitioner be released on bail on furnishing fresh bail/surety bonds to the satisfaction of the Court concerned. This will be subject to pre-deposit of cost of Rs.10,000/- with the Poor Patient Welfare Cell, PGIMER, Sector-12, Chandigarh, which shall be a condition precedent to his release on bail. The receipt of deposit will be furnished by the petitioner before the Trial Court.
7. Petition is disposed of.

(SUVIR SEHGAL)
JUDGE

06.12.2023
Kamal

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