

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

(128)

CRM-M-62143-2023

Date of decision:- 11.12.2023

Baldev Singh @ Bhinda

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Surinder Garg, 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 14.09.2023, Annexure P-3, passed by learned Sessions Judge, Sri Muktsar Sahib.

2. Counsel for the petitioner submits that petitioner has been named as an accused in FIR No.66 dated 03.07.2016, registered for offences under Section 15 of the NDPS Act and Section 61 of the Punjab Excise Act, 1914 at Police Station Gidderbaha, District Sri Muktsar Sahib, Annexure P-1, on the allegation that 3 kg poppy husk as well as seven boxes of liquor, containing 12 bottles each, have been recovered from the car driven by him and by order dated 19.08.2016, Annexure P-2, he was released on bail by the learned Sessions Court. Counsel submits that the petitioner never misused the concession of bail and has been regularly appearing before the Trial Court, but as he was apprehended in another criminal case, he could not appear before the Trial Court on 14.09.2023 when the bail order, bail/surety bonds were cancelled and forfeited to the State and non-bailable warrants were issued for his arrest. Counsel submits that coercive

action has not been initiated under Section 82, Cr.P.C. and the proceedings before the Trial Court are fixed in January, 2024.

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, by submitting that petitioner is involved in three more criminal cases registered against him for dealing with intoxicating substance.
5. I have heard counsel for the parties. Considering the submissions made, this Court is of the view that a singular default on the part of the petitioner can be ignored and he should be granted an opportunity to appear before the Trial Court.
6. Accordingly, petitioner is directed to appear before the Trial Court on or before 24.12.2023. On doing so and moving an appropriate application, he shall be released on bail on furnishing fresh bail/surety bonds to the satisfaction of the Court concerned. 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, which shall be a pre-condition 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

11.12.2023

Kamal

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