

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

CRM-M-62432-2023

Date of Decision:12.12.2023

Daler Singh @ Dalera

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Munish Gulati, Advocate for the petitioner.

HARKESH MANUJA, J.

1. By way of present petition under Section 482 Cr.P.C, a prayer has been made for setting aside the order dated 05.08.2023 passed by the trial Court, whereby the bail of the petitioner was cancelled and his bail bonds and surety bonds were forfeited to the State followed by order dated 01.11.2023 for issuance of proclamation under Section 82 of Cr.P.C. against him.

2. Briefly stated, having been involved in FIR No.225 dated 27.09.2019 registered under Section 15 of NDPS Act, 1985 at Police Station Tanda, District Hoshiarpur, the petitioner was granted concession of bail by trial Court vide order dated 18.01.2020 (Annexure P-2) and continued appearing regularly before the trial Court, but for 05.08.2023, when he could not appear for the reason that he was away to Rajasthan in connection with his job requirement as a driver upon a truck. On the said date, i.e. on 05.08.2023, the bail of the petitioner was cancelled and his bail bonds and surety bonds were forfeited to the State followed by issuance of nonailable warrants and an order of issuance of proclamation under Section 82 Cr.P.C.

against him was passed on 01.11.2023.

3. Notice of motion.

4. Mr. Shubham Kaushik, AAG, Punjab, accepts notice on behalf of respondent-State.

5. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

6. In the present case, the petitioner has been regularly appearing before the trial Court after passing of order dated 18.01.2020 whereby he was granted concession of bail. He being a driver, in relation to his job requirement, being away to Rajasthan, could not appear on 05.08.2023, whereby his bail bonds were cancelled and surety bonds were forfeited to the State followed by issuance of nonailable warrants and an order for issuance of proclamation under Section 82 Cr.P.C. Non-appearance of the petitioner before the trial Court, in the present case appears to be *bonafide*.

7. Considering the aforesaid, the orders dated 05.08.2023 as well as 01.11.2023 passed by the trial Court are hereby set aside and the petitioner is granted liberty to appear before the trial Court within a period of ten days from today and furnish fresh bail/surety bonds subject to the satisfaction of the concerned Court.

8. The petitioner shall also file an affidavit before the trial Court to be vigilant and continue to appear before the trial Court.

12.12.2023

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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned: yes/no
Whether reportable? yes/no