

CRM-M No.62686 of 2023 (O&M)

2023:PHHC:159483

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

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CRM-M No.62686 of 2023 (O&M)

Date of Decision: 13.12.2023

RESHAM SINGH @ SAPP**.....Petitioner****Vs****STATE OF PUNJAB AND ANOTHER****....Respondents****CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA***

Present: Mr. Naveen Kumar Kuhad, Advocate for
Mr. P.K.S. Phoolka, Advocate
for the petitioner.

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

HARKESH MANUJA, J. (Oral)

[1]. By way of present petition, prayer has been made for quashing/setting aside the order dated 06.11.2023 (Annexure P-3) passed by the Addl. Sessions Judge/Judge, Special Court, Bathinda, whereby bail was cancelled along with forfeiture of bail bonds and surety bonds and non-bailable warrants were issued against petitioner in case bearing FIR No.11 dated 05.02.2023 registered under Sections 21(b)/27/61/85 and Sections 22(b)/61/85 of NDPS Act at Police Station Maur, District Bathinda due to his non-appearance before the Court.

[2]. Briefly stating, petitioner is an accused in case of chance recovery wherein 100 tablets of Tramadol and 5 grams of Heroin was allegedly recovered from him. Petitioner was granted concession of regular bail vide order dated 05.04.2023 passed by Addl. Sessions Judge/Judge Special Court, Bathinda (Annexure P-1). However, on 06.11.2023, petitioner could not appear as he was in custody in FIR No.116 dated 16.10.2023 registered under Sections 61/1/14 of

Excise Act at Police Station Maur, District Bathinda wherein he was granted bail vide order dated 08.11.2023 (Annexure P-2).

[3]. Impugning the aforesaid order dated 06.11.2023, learned counsel for the petitioner submits that petitioner could not appear before the Trial Court on 06.11.2023 as he was in custody in case FIR No.116 dated 16.10.2023 registered under Sections 61/1/14 of Excise Act at Police Station Maur, District Bathinda wherein he was granted concession of bail on 08.11.2023.

[4]. Notice of motion.

[5]. On asking of the Court, Mr. Shubham Kaushik, Asstt. A.G., Punjab accepts notice on behalf of respondent/State. Given the nature of order being passed, there is no necessity to issue notice to respondent No.2, as no serious prejudice would be caused to him. Notice to respondent No.2 is thus, dispensed with.

[6]. Learned State counsel opposes the prayer made and submits that non-bailable warrants against the petitioner has rightly been issued.

[7]. 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.

[8]. Non-appearance on the petitioner before the Trial Court on the date fixed i.e. 06.11.2023 appears to be *bona fide* as he was in custody in case FIR No.116 dated 16.10.2023 registered under Sections 61/1/14 of Excise Act at Police Station Maur, District Bathinda wherein he was granted concession of bail vide order dated 08.11.2023.

[9]. Considering the aforesaid facts, I deem it appropriate to quash the impugned order dated 06.11.2023 passed by the Addl. Sessions Judge/Judge Special Court, Bathinda. Petitioner is directed to surrender before the Trial Court within a period of two weeks from today and in the event of his appearance, he shall be released on regular bail, subject to his furnishing fresh adequate bail bonds/surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate.

[10]. Petitions is allowed in the aforesaid terms.

December 13, 2023	(HARKESH MANUJA)
<i>Atik</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No