

149 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-62594-2023

Date of Decision: 13.12.2023

Sandeep Kumar @ Danny

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Avtar Singh Bhatti, Advocate for the petitioner.

HARKESH MANUJA, J.

1. By way of present petition under Section 482 Cr.P.C., prayer has been made for quashing the order dated 01.11.2023 (Annexure P-4) passed by the court of Additional Sessions Judge, Hoshiarpur, whereby bail of the petitioner was cancelled, besides, forfeiture of bail bonds, followed by issuance of non-bailable warrants against him.

2. Briefly stated, the petitioner was implicated in FIR No.194, dated 02.08.2022, registered under Sections 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 29 of the NDPS Act added later on) at Police Station Tanda, District Hoshiarpur, wherein he was granted anticipatory bail vide order dated 09.08.2022 (Annexure P-2) passed by Id. Additional Sessions Judge, Hoshiarpur and thereafter, was also granted the concession of regular bail vide order dated 07.06.2023 (Annexure P-3) passed by Judge Special Court, Hoshiarpur. After granting the concession of regular bail, petitioner being unwell, moved application for personal exemption through his counsel, which was accepted. On 01.11.2023, again exemption application was moved, but the same was

rejected, resulting into passing of order dated 01.11.2023. The said order has been impugned by way of present petition.

3. Learned counsel for the petitioner submits that the non-appearance of the petitioner on 01.11.2023 before the Trial Court was totally unintentional and for *bona fide* reason that he was not well and could not arrange surety bonds.

4. Notice of motion.

5. Mr. Shubham Kaushik, AAG, Punjab, who is present in Court accepts notice on behalf of the respondent-State and opposes the prayer while submitting that the non-appearance of the petitioner before the Trial Court was just to cause delay in the disposal of trial.

6. I have heard learned counsel for the parties and gone through the paper book.

7. The non-appearance of the petitioner before the Trial Court on 01.11.2023 appears to be unintentional and for bonafide reason that he was unwell and could not arrange surety bonds.

8. In view of the above, the present petition is allowed. Order dated 01.11.2023 is set aside. Petitioner is directed to appear before the Trial Court within a period of 01 week from the date of receipt of certified copy of this order and furnish his fresh bail/surety bonds, which shall be accepted, subject to verification. The petitioner shall also file an affidavit that he will continue to appear before the Trial Court, unless granted exemption specifically and categorically.

13.12.2023

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(HARKESH MANUJA)
JUDGE

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