

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

123

CRM-M-63006-2023 (O&M)

Date of decision: 15.12.2023

JAGTARAN SINGH @ NIKKA

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Varun Mittal, Advocate for the petitioner.

SANJIV BERRY. J. (Oral)

The present petition under Section 482 CrPC has been preferred by the petitioner seeking quashing of the impugned orders dated 29.05.2023, 30.08.2023 and 21.10.2023 (Annexures P-1 to P-3 respectively), whereby the bail of the petitioner was cancelled and non-bailable warrants of arrest were issued against the petitioner.

2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner having been booked in FIR No.9 dated 29.01.2021 registered under Sections 22 and 29 of the NDPS Act at Police Station Sadar Ahmedgarh, District Sangrur, was granted the concession of bail vide order dated 01.04.2021 (Annexure P-5) by the Court of learned Judge, Special Court, Sangrur and thereafter he had been regularly appearing in the Court in the aforesaid trial. To substantiate his version, he has referred to the order dated 09.02.2023 (Annexure P-6), wherein his presence is marked. The case was adjourned from 09.02.2023 to 23.03.2023, however, the petitioner inadvertently noted the next date as 23.06.2023. Due to this reason, the petitioner could not appear in Court on 23.03.2023 and the learned trial Court issued notice for his appearance.

3. Learned counsel for the petitioner submits that the petitioner never

received any notice to appear on 23.03.2023 and on 23.06.2023, when he went to appear in Court, he came to know that vide order dated 29.05.2023 (Annexure P-1), his bail has been cancelled and he is ordered to be served through non-bailable warrants of arrest. He submits that the next date before the trial Court is 20.12.2023 for the presence of the petitioner.

4. Notice of motion.

5. On the asking of the Court, Mr. Anmol Singh Sandhu, AAG Punjab appears and has not disputed the factual matrix. He submits that there is no other case registered against the petitioner and the date fixed in the trial Court is 20.12.2023 for which non-bailable warrants of arrest have been issued for securing the presence of the petitioner.

6. Heard.

7. After considering the respective contentions raised by learned counsel for the petitioner as well as learned State counsel, it transpires that admittedly, the petitioner after having been booked in the instant FIR, was granted the concession of bail vide order dated 01.04.2021 (Annexure P-5) passed by learned Judge, Special Court, Sangrur and thereafter he had been regularly appearing in the trial Court. It is the case put forth by the petitioner that on 09.02.2023, the case was adjourned to 23.03.2023 in the presence of the petitioner, however, due to inadvertence on the part of the petitioner, he had wrongly noted the next date as 23.06.2023 instead of 23.03.2023 and when the petitioner went to appear before the trial Court on 23.06.2023, he came to know that vide order dated 29.05.2023 (Annexure P-1) his bail has been cancelled and non-bailable warrants of arrest have been issued against him.

8. From the facts and circumstances, it transpires that the absence of the petitioner on the date fixed was solely on the ground that he had noted down

10. Petition is allowed.

S.Sharma(syr)

Whether reportable : Yes/ No