

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

Date of Decision: 20.12.2023

...Petitioner

...Respondent

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 482 Cr.P.C. with a prayer to quash the impugned order dated 31.10.2023 (Annexure P-4), whereby the bail of the petitioner was cancelled and the bail bonds and surety bonds were ordered to be forfeited to the state in case FIR No.114 dated 05.07.2019 under Sections 21 and 29 of NDPS Act, 1985, registered at Police Station Sadar Tarn Taran, District Tarn Taran and the warrants of arrest were issued against the present petitioner.

2. Learned counsel for the petitioner contends that the petitioner was falsely involved in the case captioned above. Vide order dated 22.08.2019 (Annexure P-2), the petitioner was granted the concession of regular bail by the Special Court, Tarn Taran and thereafter, the petitioner was regularly appearing before the trial Court and was pursuing his matter. He further contends that on 31.10.2023, unfortunately, father of the petitioner expired and the petitioner was busy in cremation and other last rites and failed to appear in the Court. Even

due to the death of his father, he could not inform his counsel and no application for exemption from personal appearance was filed before the trial Court. Consequently, vide impugned order dated 31.10.2023 (Annexure P-5), his bail was ordered to be cancelled by the trial Court. Learned counsel further contends that the act of non-appearance before the trial Court was unintentional and he is ready to join the trial proceedings.

3. Notice of motion.

4. On the asking of the Court, Mr.M.S.Bajwa, Deputy Advocate General, Punjab,, who is present in the Court, accepts notice on behalf of respondent.

5. I have heard learned counsel for the parties and perused the record.

6. The petitioner was granted the concession of bail in the present case vide order dated 22.08.2019 (Annexure P-2) and was regularly appearing before the trial Court. From the death certificate (Annexure P-4), it is evident that on 31.10.2023, Rakeshpal, father of the petitioner had expired and due to the said reason, he could not appear before the trial Court. Even, the petitioner could not inform his counsel before the trial Court.

7. Thus, taking a lenient view of the matter, the petitioner is permitted to appear before the Special Court/Duty Magistrate, Tarn Taran within a period of one week from today and on his appearance, he shall be admitted to bail subject to furnishing of surety bonds/bail bonds to the satisfaction of the trial Court/Duty Magistrate. The petitioner shall also file an undertaking before the concerned Court that he shall appear on each and every

date of hearing and shall not remain absent during trial, without seeking prior permission of the Court.

8. The present petition stands allowed with the above terms.

20.12.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No