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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-282-2024
Date of decision: 08.01.2024

Jashanpreet Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. V.S. Anand, Advocate for the petitioner.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner seeking quashing of order dated 06.12.2023 Annexure P-4 passed by the Court of Additional Sessions Judge, Jalandhar vide which the bail bonds of the petitioner were cancelled and he was directed to the summoned through non bailable warrants of arrest in criminal case having FIR No.162 dated 10.06.2022 under Sections 21 and 29 NDPS Act, Police Station Rama Mandi, District Police Commissionerate Jalandhar, on account of the absence of the petitioner before the learned trial Court on the date fixed.
2. The counsel for the petitioner submits that petitioner was granted regular bail by the learned trial Court vide order Annexure P-2 and Annexure P-3, as non commercial quantity of contraband was involved in the present case and thereafter, the petitioner was regularly appearing before the trial Court but due to unavoidable circumstances, petitioner failed to appear in the trial Court on 06.12.2023 and resultantly, the trial Court passed impugned order Annexure P-4 in a hasty manner without taking into consideration the fact that it was first default on the part of the petitioner. It is further submitted that the petitioner is ready to join the proceedings in the trial.
3. Notice of motion.
4. Mr. G.S. Sidhu, AAG, Punjab accepts notice on behalf of the State and submits that there is no illegality in the impugned order as on

06.12.2023, the petitioner was absent without any intimation to the trial Court and consequently, his bail bonds were cancelled and the petitioner was directed to be summoned through nonailable warrants of arrest.

5. I have considered the submissions made by counsel for the parties.

6. Admittedly, the petitioner jumped bail and resultantly, his bail bonds were cancelled by the trial Court vide impugned order Annexure P-4. Undoubtedly, rigors of Section 37 of NDPS Act are not applicable to the present case as the recovery effected in the present case comes under non commercial quantity as per the provisions of NDPS Act.

7. In light of the above, the present petition is hereby disposed of in the interest of justice to avoid further delay in trial, with direction to the petitioner to appear before the learned trial Court on or before the next date fixed in the trial and on his doing so the petitioner is to be released on regular bail by the trial Court to its own satisfaction, subject to cost of Rs.7,000/- to be deposited by the petitioner with the District Legal Services Authority, concerned.

8. The present petition is disposed of in aforesaid terms. Any observations made herein are not to be construed as an expression of opinion on merits of the case.

08.01.2024
Yogesh

Whether speaking/reasoned:-
Whether reportable:-

(KARAMJIT SINGH)
JUDGE
Yes/No
Yes/No