

1452024:PHHC:000998

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRM-M-600-2024

Date of Decision: January 08, 2024

MALKIT SINGH

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Prateek Pandit, Advocate for the petitioner.

HARKESH MANUJA, J. (ORAL)

1. By way of present petition filed under Section 482 Cr.P.C., prayer has been made for quashing the order dated 02.07.2022 (Annexure P-5) passed by the Court of learned Judge, Special Court, Kapurthala whereby, bail of the petitioner was cancelled, besides, forfeiture of bail/surety bonds, followed by issuance of non-bailable warrants against him.
2. Briefly stating, the petitioner was implicated in FIR No.16, dated 02.03.2021, registered under Section 22 of NDPS Act, at Police Station Dhilwan, District Kapurthala, wherein he was granted the concession of regular bail vide order dated 06.04.2021 passed by learned Judge, Special Court, Kapurthala and since then, he had been regularly appearing before the Trial Court, but for 07.06.2022, when the petitioner could not appear as he was undergoing treatment for rehabilitation, resulting into passing of order dated 02.07.2022. 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 07.06.2022 before the Trial Court

was totally unintentional and for bona fide reason as he was undergoing treatment regarding de-addiction.

4. Notice of motion.

5. Mr. Shubham Kaushik, A.A.G., 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. Though, there has been delay of almost one and a half year on the part of the petitioner in approaching this Court, however, considering the fact that in the last year i.e. 2023, the matter was taken up by the trial Court only twice i.e. on 19.04.2023 & 24.08.2023 and that on both the occasions, the Presiding Officer was on leave, consequently, the matter was adjourned without any material proceedings having been carried out. The next date of hearing before the trial Court is 11.01.2024 and petitioner undertakes to appear before the trial Court on the date fixed and furnish his fresh bail bonds/surety bonds. Even in the past one and a half year, the petitioner has not involved himself in any similar activity of dealing with intoxicants and giving him another chance to improve himself is thus justifiable.

8. In view of the above, the present petition is allowed, subject to deposit of costs of Rs.10,000/- with Navjeevan Kendra Best Alcohol & Drug De-addiction and Rehabilitation Centre, Civil Hospital Kapurthala.

Order dated 02.07.2022 is set aside. Petitioner is directed to appear before the Trial Court within a period of 10 days 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 and till then no coercive steps to be taken against him. The petitioner shall also file an affidavit that he will continue to appear before the Trial Court, unless granted exemption specifically and categorically.

08.01.2024
Tejwinder

(HARKESH MANUJA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>