

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

105. CRM-M No.4460 of 2024 (O&M)
Date of Decision:29.01.2024

Akashdeep ... Petitioner

Versus

State of Punjab ... Respondent

CORAM : HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Navjot Singh, Advocate
for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

1. The petitioner has approached this Court under Section 438 Cr.P.C. seeking direction to the arresting officer to release the petitioner on bail forthwith in the event of his arrest in FIR No.71 dated 02.04.2020 registered under Section 21 of the NDPS Act and Sections 188 and 270 IPC at Police Station Canal Colony, Bathinda, District Bathinda.
2. Learned counsel for the petitioner *inter alia* contends that the petitioner was granted concession of regular bail in the FIR supra vide order dated 26.05.2020 passed by the learned trial Court. He was regularly appearing before the learned trial Court as is evident from zimni orders (Annexure P-3). However, counsel for the petitioner had noted wrong date and therefore, neither he nor his counsel could appear before the learned trial Court on 20.11.2023. The absence of the petitioner on the said date was neither willful nor intentional and he is ready to join proceedings and undertakes to remain present on each and every date of hearing.

3. On the asking of the Court, Mr. Subhash Godara, Addl. A.G., Punjab, who is present in Court, accepts notice for the respondent-State and submits that the petitioner has deliberately concealed himself from the process of court and therefore, the learned trial Court has rightly forfeited his bail bonds to the State.

4. I have heard learned counsel for the parties and with the consent of parties, the instant petition is taken up for final disposal.

5. A perusal of the zimni order dated 06.11.2023 reveals that the petitioner was present before the learned trial Court along with his counsel, on which date, the matter was adjourned to 20.11.2023. On 20.11.2023, the petitioner could not appear and the learned trial Court ordered to cancel his bail bonds and surety bonds and forfeited to the State. Further, presence of the petitioner was ordered to be secured through warrants of arrest for 07.02.2024. Mere absence on one date cannot be a sole ground to cancel the bail bonds and surety bonds of the petitioner, in view of the ratio of law laid down by this Court in ***Major Singh @ Major Vs. State of Punjab 2023 (3) RCR (Criminal) 406; 2023 (2) Law Herald 1506.*** Moreover, the petitioner is ready to join the proceedings and further undertakes to attend court proceedings on each and every date.

6. Keeping in view the aforesaid facts and circumstances and the fact that warrants of arrest have already been issued by the learned trial Court vide order dated 20.11.2023, the petitioner is directed to surrender before the trial Court on or before 07.02.2024 and apply for grant of regular bail. On his doing so, the Court concerned shall admit him to bail subject to furnishing bail bonds and surety bonds to its satisfaction along with costs of ₹10,000/- for wasting

precious time of the Court to be deposited with the District Legal Services Authority, Bathinda.

7. Needless to say, in case the petitioner fails to comply with the abovesaid direction, the order passed by this Court today shall stand automatically vacated.
8. The instant petition is allowed in above terms.

(HARPREET SINGH BRAR)

JUDGE

January 29, 2024

Pankaj*

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No