

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-4548 of 2024
Date of Decision: January 30, 2024

Kuldeep Singh @ Deep
.....Petitioner

versus

State of Haryana
.....Respondent

CORAM: HON'BLE MR.JUSTICE HARPREET SINGH BRAR

Present:- Mr. V.B. Godara, Advocate
for the petitioner

Ms. Geeta Sharma, DAG Haryana

Harpreet Singh Brar, J. (Oral)

1. The petitioner has approached this Court under Section 482 Cr.P.C. seeking quashing of impugned order dated 18.09.2023 passed by learned Additional Sessions Judge, Fatehabad in FIR No. 369 dated 21.10.2018 registered under Section 21(b)/27(a) of the NDPS Act at Police Station Bhuna, District Fatehabad whereby the bail granted to the petitioner has been cancelled.
2. Learned counsel appearing for the petitioner *inter alia* contends that the petitioner was granted concession of regular bail in the FIR (supra) vide order dated 06.11.2018 passed by the learned trial Court. He was regularly appearing before the learned trial Court, however, due to mis-happening in the family and miscommunication with the counsel before learned trial Court, the petitioner could not appear before the learned trial court on 18.09.2023. 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. Notice of motion.

4. On the asking of the Court, Ms. Geeta Sharma, DAG Haryana, 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.

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

6. A perusal of the order dated 18.09.2023 reveals that the petitioner could not appear and the learned trial Court ordered to cancel his bail bonds and forfeited to the State. Further, presence of the petitioner was ordered to be secured through warrants of arrest for 24.01.2024. 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.

7. 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 18.09.2023, the petitioner is directed to surrender before the trial Court within two weeks 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 Rs. 10,000/- for wasting precious time of the Court to be deposited with the District Legal Services Authority, Fatehabad.

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8. 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.
9. The instant petition is allowed in above terms.

(HARPREET SINGH BRAR)
JUDGE

January 30, 2024
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Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No