

124 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-10279-2024

Date of Decision: 27.02.2024

Balkar Singh @ Bali

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Prince Sharma, 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 18.08.2023 (Annexure P-5) passed by learned Judge Special Court, Tarn Taran, 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.13, dated 31.01.2020, registered under Section 21 of the NDPS Act, 1985, at Police Station Sarai Amanat Khan, Tehsil and District Tarn Taran, Punjab, wherein he was granted the concession of bail vide order dated 29.02.2020 passed by the Court of Additional Sessions Judge, Tarn Taran and thereafter, he was regularly appearing before the Trial Court, but for 22.02.2023, when the petitioner could not appear before the Trial Court, resulting into cancellation of bail and forfeiture of bail bonds/surety bonds followed by issuance of non-bailable warrants against him vide order dated 18.08.2023. The aforesaid order has been impugned by way of present petition.

3. Learned counsel for the petitioner submits that the petitioner works as truck driver and as such, he drives truck from Pune to Punjab to earn his

livelihood, therefore, he could not appear before the Trial Court on 22.02.2023. He further submits that there is no other case registered against the petitioner since 22.02.2023.

4. Notice of motion.

5. Mr. Kewal Singh, Addl.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. The non-appearance of the petitioner before the Trial Court on 22.02.2023 appears to be unintentional and for bonafide reason i.e. he was in Pune for the purpose of earning his livelihood.

8. In view of the above, the present petition is allowed. Order dated 18.08.2023 as well as subsequent orders dated 19.09.2023, 18.11.2023 are set aside. Petitioner is directed to appear before the Trial Court within a period of one week from the date of receipt of certified copy of this order and furnish his fresh bail/surety bonds, which shall be accepted, subject to its satisfaction. Till then, no coercive steps be taken against the petitioner.

9. The aforesaid order is subject to payment of costs of Rs.10,000/- to be deposited with the District Legal Services Authority, Tarn Taran, Punjab, within a period of two weeks from today.

27.02.2024

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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned: yes/no

Whether reportable? yes/no