

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**********CRM-M-5883-2024************GURMEJ SINGH ALIAS HAPPY****V/S****STATE OF PUNJAB************Present: Mr. MS Hundal, Advocate for the petitioner**********

This petition under Section 482 CrPC filed by the petitioner seeks to quash the impugned order dated 04.07.2023 (Annexure P5) passed by trial court vide which bail order of the petitioner has been cancelled and bail bonds forfeited in case FIR No.175 dated 18.08.2018 under Sections 21/22/61/85 of NDPS Act, registered at Police Station Jandiala, District Amritsar (Annexure P1).

Learned counsel for the petitioner contends that he could not put in appearance on an isolated date on 04.07.2023 on account of wrong noting down of date and miscommunication between him and his counsel and as such the bail has been cancelled and bail bonds stood forfeited to the State. It is on that very date, the warrant of arrest has been issued on 04.07.2023 (Annexure P3) against the petitioner. Counsel for the petitioner submits that the absence of the petitioner on the said date was neither intentional and nor deliberate and given one chance, the petitioner is going to surrender before the trial court within 10 days.

Notice of motion.

On the asking of the Court, Mr. HS Sitta, DAG Punjab accepts notice and is not averse to the petitioner's surrender in the trial court.

This Court is sanguine of the fact that if the petitioner shows his bona fide by surrendering before the trial court that will definitely facilitate the trial as also the fact that the keeping pending such matter would only delay the proceedings before the trial court.

Considering the aforesaid facts and circumstances, it is directed that if the petitioner surrenders before the trial court within 10 days from today and moves an application for bail, the same shall be considered sympathetically and disposed of on the same very day. However, the bail application shall be entertained subject to petitioner's presentation of receipt of deposit of Rs.10,000/- before the trial court, as costs, in the Punjab and Haryana High Court Bar Clerk Association Fund.

05.02.2024
V.Vishal

(Sandeep Moudgil)
Judge