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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-6068-2024

Date of Decision: 22.05.2024

RAJ KUMAR @ RAJU

... Petitioner

Versus

STATE OF PUNJAB AND ANR

... Respondents

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Naveen Kumar, Advocate for
Mr. P.K.S. Phoolka, Advocate for the petitioner.
Mr. Japjot Singh, AAG, Punjab.

SANJIV BERRY, J. (ORAL)

The present petition under Section 482 Cr.P.C has been preferred by the petitioner for quashing of the impugned order dated 09.11.2023 (Annexure P-1) passed by learned Judge, Special Court, Bathinda in case bearing CIS No. NDPS-629-2019 titled "State Versus Raj Kumar @ Raju, whereby the non-bailable warrants of the petitioner had been issued in case FIR No.0221, dated 13.09.2019 registered under Sections 21 of NDPS Act, 1985 at P.S. Canal Colony, Bathinda, District Bathinda.

2. Learned counsel for the petitioner *inter alia* contends that in compliance of the order dated 05.02.2024, petitioner appeared before the learned trial Court and furnished requisite bonds and surety bonds on



12.02.2024. He contends that the petitioner has joined the trial Court proceedings, as such, order dated 09.11.2023 (Annexure P-1) passed by learned Judge, Special Court, Bathinda, in case in case bearing CIS No. NDPS-629-2019 titled "State Versus Raj Kumar @ Raju, whereby the non-bailable warrants of the petitioner have been issued in case FIR No. 0221, dated 13.09.2019 be quashed.

3. Learned State counsel has not disputed the aforesaid factual position.

4. Heard.

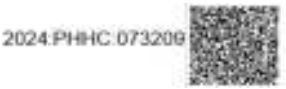
5. During the course of the proceedings, following order was passed on 05.02.2024:-

1. By way of present petition under Section 482 Cr.P.C., the petitioner has sought quashing of the impugned order dated 09.11.2023 (Annexure P-1) passed by learned Judge, Special Court, Bathinda in case bearing CIS No. NDPS-629-2019 titled "State Versus Raj Kumar @ Raju, whereby the non-bailable warrants of the petitioner had been issued in case FIR No. 0221, dated 13.09.2019 registered under Sections 21 of NDPS Act, 1985 at P.S. Canal Colony, Bathinda, District Bathinda.

2. Learned counsel for the petitioner, inter alia, submits that the petitioner, having been granted regular bail in the aforesaid FIR, had been regularly appearing before the trial Court but on 09.11.2023, he could not appear. He submits that on 09.11.2023, the petitioner could not appear before the learned trial Court due to the fact that he has wrongly noted the date leading to cancellation of his bail and issuance of non-bailable warrants of arrest. He further submits that the absence of the petitioner was not intentional on that date but due to his wrongly noting the date, now he is ready to appear before the trial Court and face the trial.

3. Notice of motion.

4. On the asking of the Court, Ms. Navreet Kaur Barnala, AAG, Punjab, who is present in Court, accepts notice



on behalf of the respondent-State.

5. *List on 21.02.2024.*

6. *In the meanwhile, the petitioner is directed to appear before the trial Court within seven days from today and in the event of his arrest, he is ordered to be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.*

7. *The petitioner is further directed to furnish specific undertaking before the concerned Court that he will regularly appear on each and every date of hearing and in case of any exigency, he will seek exemption from the concerned Court in accordance with law”*

6. Keeping in view the fact that the petitioner has already appeared before the learned trial Court and furnished his requisite bail/surety bonds on 12.02.2024, consequent to the order dated 05.02.2024, passed by this Court, the present petition is allowed, and order dated 09.11.2023 (Annexure P-1), passed by learned Judge, Special Court Bathinda, whereby the non-bailable warrants of the petitioner have been issued is hereby set aside and the interim bail granted vide order dated 05.02.2024 is hereby confirmed.

7. The Petition stands allowed.

(SANJIV BERRY)
JUDGE

22.05.2024
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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | Yes |