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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-6531-2024

Date of Decision:07.02.2024

Gurmej Singh alias Happy

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S. Shekhawat

Present : Mr. Malkiat S. Hundal, Advocate
for the petitioner (through VC)

Mr. I.P.S. Sabharwal, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 482 Cr.P.C. with a prayer to quash the impugned order dated 23.11.2023 (Annexure P-5), whereby the bail order of the petitioner was ordered to be cancelled and his bail bonds and surety bonds were also cancelled and forfeited to State in a case arising out of FIR No.276 dated 21.11.2019 under Sections 21/22/61/85 of NDPS Act, 1985, registered at Police Station Jandiala, Amritsar.

2. Learned counsel for the contends that the petitioner was granted the concession of interim regular bail vide order dated 20.12.2019 (Annexure P-2). Thereafter, the petitioner was regularly appearing before the trial Court. Learned counsel further contends that the case was listed before the trial Court on 28.07.2023 and the matter was adjourned to 23.11.2023. However, the petitioner had wrongly noted the date of hearing as 23.01.2024. Consequently, the petitioner could not appear before the trial Court on 23.11.2023 and his bail

was ordered to be cancelled by the trial Court.

3. Notice of motion.
4. On the asking of the Court, Mr. I.P.S. Sabharwal, DAG, Punjab, accepts notice on behalf of the respondent-State.
5. I have heard learned counsel for the parties and perused the record.
6. It is apparent from the record that on 23.11.2023, neither the petitioner was present nor was represented by any learned counsel before the trial Court. Consequently, the trial Court had rightly cancelled the bail order of the accused. Even learned counsel for the petitioner has not been able to point out any illegality in the impugned order dated 23.11.2023, passed by the trial Court. However, the petitioner is a young boy and is a sole bread earner of the family. Consequently, taking a lenient view of the matter, he is directed to surrender before the trial Court, within a period of 10 days from today and on his appearance, he shall be admitted to bail by the trial Court subject to his furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, subject to payment of cost of Rs.20,000/-, which shall be deposited with Punjab and Haryana High Court Bar Association, Chandigarh in State Bank of India, High Court Branch Sector-1 in account No.65035682434, IFSC Code SBIN0050306. He shall also furnish an affidavit before the trial Court that he shall remain present on each and every date of hearing and shall not remain absent from the proceedings, without prior permission of the trial Court. Allowed.

07.02.2024
hemlata

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No