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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-7276-2024
Date of Decision: 22.05.2024

SANTOSH KUMAR
... Petitioner
Versus
STATE OF PUNJAB AND ANR
... Respondents

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

Present:- Mr. G.S.Verma, Advocate for the petitioner.
Mr. Japjot Singh, AAG, Punjab.

SANJIV BERRY, J. (ORAL)

The instant petition under Section 482 Cr.P.C. has been filed for quashing of the impugned order dated 15.12.2023 (Annexure P-4) passed by learned Judge, Special Court, Ludhiana, whereby the bail of the petitioner was cancelled and he was ordered to be summoned through non-bailable warrants of arrest for 14.02.2024 in case bearing No. NDPS-690-2020 dated 15.12.2023 titled “State Versus Santosh Kumar” pending in the Court of learned Judge, Special Court, Ludhiana, arising out of FIR (Annexure P-1). The details of the FIR are as under:

FIR No.	Dated	Sections	Police Station
133	31.07.2019	18 of NDPS Act, 1985	Division No.1, District Ludhiana

2. Learned counsel for the petitioner *inter alia* contends that in compliance of the order dated 12.02.2024, petitioner appeared before the learned trial Court and furnished requisite bonds and surety bonds and after

accepting the same release order of the petitioner has been issued vide order dated 15.02.2024 passed by the learned Judicial Magistrate First Class, Ludhiana. He contends that the petitioner has joined the trial Court proceedings, as such the order dated 15.12.2023 (Annexure P-4) passed by learned Judge, Special Court, Ludhiana, in case in case bearing No. NDPS-690-2020 titled “State Versus Santosh Kumar, whereby the non-bailable warrants of the petitioner have been issued in case FIR No. 133, dated 31.07.2019 be quashed.

3. Learned State counsel has not disputed the aforesaid factual matrix of the case and submits that petitioner appeared on 15.02.2024 before learned Judicial Magistrate First Class, Ludhiana and furnished requisite bail bonds.

4. Heard.

5. During the course of the proceedings, following order was passed on 12.02.2024:-

1. *The instant petition under Section 482 Cr.P.C. has been filed for quashing of the impugned order dated 15.12.2023 (Annexure P-4) passed by learned Judge, Special Court, Ludhiana, whereby the bail of the petitioner was cancelled and he was ordered to be summoned through non-bailable warrants of arrest for 14.02.2024 in case bearing No. NDPS-690-2020 dated 15.12.2023 titled “State Versus Santokh Kumar” pending in the Court of learned Judge, Special Court, Ludhiana, arising out of FIR (Annexure P-1). The details of the FIR are as under:*

FIR No.	Dated	Sections	Police Station
133	31.07.2019	18 of NDPS Act, 1985	Division No.1, District Ludhiana

2. *It is, inter alia, contended by learned counsel for the petitioner that the petitioner, after having been granted bail in case FIR (Annexure P-1) vide order dated 03.09.2019 (Annexure P-2), has*



been regularly appearing in the learned trial Court on each and every date of hearing. He further submits that on 15.12.2023, the petitioner could not appear in Court as he had gone to his native State and application (Annexure P-5) was moved through his counsel seeking exemption, but the same was dismissed by learned trial Court and the bail of the petitioner was cancelled besides summoning him through non-bailable warrants of arrest for 14.02.2024 vide impugned order dated 15.12.2023 (Annexure P-4). He submits that the absence of the petitioner was not intentional and his counsel had bonafidely moved the application for exemption and the petitioner is also ready to face the trial and undertakes to appear on each and every date of hearing in future.

- 3. *Notice of motion.*
- 4. *On the asking of the Court, Mr. Harpreet Singh, Addl. A.G., Punjab, who is present in Court, accepts notice on behalf of the respondent-State.*
- 5. *List on 23.02.2024.*
- 6. *In the meanwhile, the petitioner is directed to appear in the trial Court on or before 14.02.2024 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”*

6. Keeping in view the fact that the petitioner has already appeared on 15.02.2024 before the learned trial Court and furnished his requisite bail/surety bonds consequent to the order dated 12.02.2024, passed by this Court, the present petition is allowed, and order dated 15.12.2023 (Annexure P-4), passed by learned Judge, Special Court, Ludhiana, whereby the bail of the petitioner was cancelled and he was ordered to be summoned through non-bailable warrants of arrest is hereby set aside and the interim bail granted vide order dated 12.02.2024 is hereby confirmed.

7. The Petition stands allowed.

(SANJIV BERRY)
JUDGE

22.05.2024

Gyan	i)	Whether speaking/reasoned?	Yes
	ii)	Whether reportable?	Yes