

[126] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-6771-2024
Date of Decision : 06.03.2024

Amarnath alias Nathu ...Petitioner
versus

State of PunjabRespondent

Coram : **HON'BLE MR. JUSTICE DEEPAK GUPTA**

Present : Mr. Ankit Chauhan, Advocate for
Mr. Monty Goyal, Advocate
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

DEEPAK GUPTA, J. (ORAL)

[1] By way of this petition filed under Section 482 Cr.P.C., petitioner has prayed for quashing of order dated 23.01.2024 (Annexure P-4) passed by the learned Additional Sessions Judge, Ludhiana, whereby, bail of the petitioner was cancelled and bonds were forfeited, during the proceedings of case FIR No.230 dated 15.08.2018 under Sections 21 & 25 of the NDPS Act, registered at Police Station City Jagraon, District Ludhiana.

[2] Learned counsel contends that the petitioner was earlier allowed anticipatory bail by this Court vide order dated 08.01.2021 in CRM-M-39922-2020 (O&M), copy of which is Annexure P-2. Petitioner had appeared before the trial Court concerned and was allowed bail.

[3] Pursuant thereto, he was regularly appearing before the trial Court. Charges were framed on 19.07.2021. His bail was earlier

CRM-M-6771-2024

cancelled on 28.08.2023. He approached this Court by filing CRM-M-48867-2023 and after serving notice under Section 446 Cr.P.C., he was ordered to be released on bail as per order dated 23.10.2023 of learned Special Court, Ludhiana.

[4] Learned counsel contends that thereafter he could not appear before the trial Court due to medical problems. He had also moved an application for exemption on 23.01.2024 but that application was rejected and his bail was cancelled.

[5] Learned counsel submits that the petitioner is ready to surrender before the trial Court and that he be provided necessary protection. It is also informed by him that next date of hearing before the trial Court is 16.03.2024.

[6] A perusal of the impugned order dated 23.01.2024 would reveal that application for exemption was moved on behalf of the petitioner by some person, who was neither the counsel for the petitioner, nor his relative and the same had been simply signed by Mr. B.S. Toor, Advocate. It was also noticed by the Court that on earlier date also, a similar application had been made by the petitioner. After noticing the said conduct of the petitioner, his bail was cancelled.

[7] Without commenting anything on the merits of the case, this petition is hereby disposed of with the direction to the petitioner to surrender before the trial Court on or before 16.03.2024. However, this is subject to the condition that petitioner will deposit costs of Rs.25,000/-

on the surrender of the petitioner before the trial Court, proceedings under Section 446 Cr.P.C. shall be initiated against him and only after disposal of those proceedings, the petitioner shall be admitted to bail. Till the disposal of the proceedings under Section 446 Cr.P.C., petitioner shall not be taken into custody. If in the meantime, the petitioner is sought to be arrested on account of warrant of arrest having been issued against him, he shall be released on interim bail, to the satisfaction of the Arresting Officer.

[8] Disposed of, accordingly.

(DEEPAK GUPTA)
JUDGE

06.03.2024
'Rajneesh'

<i>Whether speaking/ reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>