

CRM-M-7643-2024
Date of decision: 13.02.2024

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Mr. Madhur Sharma, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C. seeking quashing of impugned order dated 30.10.2023 (Annexure P-6) passed by the learned Special Judge, Bathinda, in case bearing FIR No.6 dated 18.01.2019 for the offence under Section 21 of the NDPS Act registered at Police Station Kotwali Bathinda, District Bathinda (Annexure P-1), whereby, bail orders of the petitioners were cancelled and their bail bonds/surety bonds were forfeited to the State.

2. Learned counsel for the petitioners *inter alia* contends that the petitioners were granted regular bail by the trial Court, thereafter, they were regularly appearing before the learned trial Court except on 30.10.2023, 15.12.2023 and 22.01.2024. It is further submitted that the petitioners have noted down the wrong date i.e. 30.11.2023 instead of 30.10.2023. Thereafter, on 30.11.2023, when the petitioners approached their counsel, they came to know that vide order dated 30.10.2023, their bail orders were cancelled and

their bail bonds/surety bonds were forfeited to State and the petitioners were ordered to be summoned through non-bailable warrants for 15.12.2023. Thereafter, petitioners sought advice of their counsel and in the process of arranging fee for the counsel, two more dates have been passed.

3. It is also submitted that the petitioners undertake to appear before the trial Court on each and every date.

4. Notice of motion.

5. Mr. Madhur Sharma, DAG, Punjab, who is present in Court, accepts notice for the respondent and supports the order passed by the learned trial Court by contending that the petitioners did not put in appearance before the trial Court intentionally and deliberately and, therefore, having left with no other option, non-bailable warrants were issued to secure their presence.

6. I have heard learned counsel for the parties and perused the record of the case with their able assistance and with the consent of parties, the matter is taken up for final disposal.

7. While the scheme of criminal justice system necessitates curtailment of personal liberty to some extent, it is of the utmost importance that the same is done in line with the procedure established by law to maintain a healthy balance between personal liberty of the individual-accused and interests of the society in promoting law and order. Such procedure must be compatible with Article 21 of the Constitution of India i.e. it must be fair, just and not suffer from the vice of arbitrariness or unreasonableness.

8. The sole purpose of issuance of non-bailable warrants or issuance of proclamation is to secure the presence of the accused before the trial Court.

The petitioners in the present case have themselves come forward and have

undertaken to appear before the learned trial Court on each and every date.

9. In view of the aforesaid facts and circumstances, the present petition is allowed. The impugned order dated 30.10.2023 (Annexure P-6) vide which bail orders of the petitioners were cancelled, their bail bonds/surety bonds were forfeited to the State and non-bailable warrants of arrest were issued against them, is hereby set aside.

10. The petitioners are directed to appear before the trial Court within a period of 15 days from today and on their doing so, they shall be admitted to bail on their furnishing bail bonds and surety bonds to the satisfaction of the trial Court, along with costs of Rs.10,000/- to be deposited with the District Legal Services Authority, Bathinda, for wasting precious time of the Court.

(HARPREET SINGH BRAR)
JUDGE

13.02.2024

Neha

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No