

126 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-7591-2024

Date of Decision: 13.02.2024

Sahib Deen

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Mohd. Salim, Advocate for the petitioner.

HARKESH MANUJA, J. (Oral)

1. By way of present petition filed under Section 482 Cr.P.C., prayer has been made for quashing the order dated 04.10.2023 (Annexure P-4) passed by learned Judge Special Court, Ludhiana, whereby bail of the petitioner was cancelled, besides, forfeiture of bail/surety bonds to the State, followed by issuance of non-bailable warrants against him.

2. Briefly stating, the petitioner was implicated in FIR No.100, dated 28.10.2018, registered under Section 15 of the NDPS Act, 1985, at Police Station Maloud, Police District Khanna, wherein he was granted the concession of regular bail vide order dated 03.12.2018 passed by learned Judge, Special Court, Ludhiana and thereafter, he was regularly appearing before the Trial Court, but for 04.10.2023, when the petitioner could not appear before the Trial Court, resulting into cancellation of bail and forfeiture of bail bonds/surety bonds to the State followed by issuance of non-bailable warrants against him vide order dated 04.10.2023. The aforesaid order has been impugned by way of present petition.

3. Learned counsel for the petitioner submits that the petitioner failed

to appear before the Trial Court on 04.10.2023, on account of having noted down wrong date.

4. Notice of motion.

5. Mr. Davinder Bir Singh, Sr. DAG, Punjab, who is present in Court accepts notice on behalf of the respondent-State and opposes the prayer while submitting that the non-appearance of the petitioner before the Trial Court was willful and just to cause delay in the disposal of trial.

6. I have heard learned counsel for the parties and gone through the paper book.

7. The non-appearance of the petitioner before the Trial Court on 04.10.2023 appears to be unintentional and for bonafide reason i.e. on account of having noted down wrong date. Moreover, there is no other case pending against the petitioner.

8. In view of the above, the present petition is allowed. Order dated 04.10.2023 is set aside. Petitioner is directed to appear before the Trial Court within a period of 10 days from the date of receipt of certified copy of this order and furnish his fresh bail/surety bonds before the court concerned, which shall be accepted, subject to its satisfaction. Till then, no coercive steps be taken against the petitioner.

13.02.2024

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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned: yes/no

Whether reportable? yes/no