

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

**CRM-M No. 9067 of 2024 (O&M)
Date of Decision: 20.02.2024**

Ramesh Kumar @ Kaka
..... Petitioner

Versus

State of Haryana
..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Amit Singla, Advocate
for the petitioner.

Mr. Chetan Sharma, Deputy Advocate General, Haryana.

HARKESH MANUJA, J. (ORAL)

The petitioner, by way of present petition filed under Section 482 Cr.P.C., seeks quashing of the order dated 26.10.2023 (Annexure P-1) passed by the learned Special Judge under NDPS Act, Fatehabad, in case bearing FIR No. 196 dated 24.04.2022, under Section 15 of NDPS Act (Section 31 of NDPS Act added later on), registered at Police Station Sadar Fatehabad, District Fatehabad, whereby the bail of petitioner has been cancelled alongwith forfeiture of his bail / surety bonds to the State due to non-appearance.

[2] In the present case, having been implicated in FIR (supra), the petitioner was granted concession of regular bail and continued to appear before the Trial Court thereafter, but for 26.10.2023 when on account of suffering from jaundice, he could not appear before the trial Court, resulting into cancellation of his bail.

[3] While impugning the aforesaid order dated 26.10.2023 (P-1), learned counsel for the petitioner submits that non-appearance of the petitioner was wholly unintentional as the petitioner never intended to evade the process of law. It has been further submitted that since 26.10.2023 till today, the petitioner never indulged himself in any kind of criminal activity and he is ready to surrender before the Trial Court to join the proceedings.

[4] On the other hand, prayer has been opposed at the instance of learned State Counsel while submitting that the petitioner absented himself on 26.10.2023 whereas he has approached this Court only in the month of February, 2024 i.e. after a period of almost 04 months and in the meanwhile the Trial Court had initiated all necessary steps to secure presence of the petitioner, but to no effect as the petitioner was evading the process of law with deliberate intent.

[5] I have heard learned counsel for the parties and gone through the paper book.

[6] Considering the fact that the petitioner could not appear before the Trial Court on 26.10.2023 on account of ailment, besides, nature of FIR registered against him and the fact that he never indulged himself in any kind of criminal activity post 26.10.2023 till date and also that he is ready to join the proceedings before the Trial Court, purely in the interest of justice, the order dated 26.10.2023 (P-1) passed by the learned Special Judge under NDPS Act, Fatehabad, is set aside. The petitioner is directed to appear before the Trial Court concerned by 22.02.2024 and furnish his fresh bail bonds / surety bonds to its satisfaction and till then, no coercive steps shall be taken against him.

[7] **Disposed off** accordingly.

[8] This order shall, however, be subject to payment of costs of Rs.20,000/- to be deposited by the petitioner with the District Legal Services Authority, Fatehabad, within a period of one week from the date of receipt of certified copy of this order.

February 20, 2024

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**(HARKESH MANUJA)
JUDGE**

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>