

270(A)

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-10193-2024
Date of Decision: 29.02.2024

2024:PHHC:028987

ANIL KUMAR

Versus

STATE OF HARYANA

..... Petitioner

..... Respondent(s)

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Ashish Grewal, Advocate
for the petitioner.

KARAMJIT SINGH, J. (ORAL)

The present petition has been filed by the petitioner under Section 482 Cr.P.C. seeking quashing of impugned order dated 16.05.2023 (Annexure P-2) passed by Court of Additional Sessions Judge, Panchkula in criminal case having FIR No.45 dated 15.06.2021 registered under Sections 21, 61 and 85 of NDPS Act at Police Station Mansa Devi Complex, Panchkula titled as State Vs. Anil and Ors. Whereby bail bonds and surety bonds of the petitioner were cancelled and he was ordered to be summoned through nonailable warrants of arrest by the said Court on account of non appearance of the petitioner in the trial on the date fixed.

2. Counsel for the petitioner submits that the absence of the petitioner on the date fixed was not intentional; that actually petitioner was granted regular bail vide order dated 23.07.2021(Annexure P-1) and thereafter petitioner was regularly appearing in the trial Court but due to unavoidable circumstances the petitioner failed to appear in trial Court on 16.05.2023 which resulted into passing of impugned order (Annexure P-2) but the same was passed by the trial Court in a hasty manner. It is further submitted that it was the first default on part of the petitioner

and that the petitioner is willing to join the proceedings before the trial Court at the earliest and will also remain careful in future.

3. Notice of motion.
4. Mr. Viney Phogat, DAG, Haryana accepts notice on behalf of the State and on instructions from L/ASI Sudesh Kumari submits that petitioner jumped bail on 16.05.2023 and resultantly order (Annexure P-2) was passed by the trial Court, in accordance with law and there is no illegality and perversity in the impugned order dated 16.05.2023 (Annexure P-2).
5. Admittedly, the case is relating to recovery of non commercial quantity of contraband and earlier petitioner was released on regular bail vide order dated 23.07.2021 (Annexure P-1). Thereafter, petitioner jumped bail on 16.05.2023 and consequently impugned order (Annexure P-2) was passed by the trial Court.
6. As stated by the counsel for the petitioner, it was single default on part of the petitioner.
7. In view of the above and without expressing any opinion on the merits of the case and in order to avoid further delay in trial, the present petition is hereby disposed of with direction to the petitioner to appear before the learned trial Court on or before the next date fixed and on his doing so, the petitioner is directed to be released on regular bail by the said Court to its own satisfaction subject to cost of Rs.5000/- to be deposited by the petitioner with the District Legal Services Authority concerned.

29.02.2024

(KARAMJIT SINGH)
JUDGE