

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-10874-2024
DECIDED ON:01.03.2024

GURWINDER SINGH @ NONAPETITIONER

VERSUS

STATE OF PUNJABRESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Umesh Aggarwal, Advocate
for the petitioner.

Mr. Rajiv Verma, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 482 Cr.P.C., for quashing of the order dated 10.01.2024 (Annexure P-3) passed by Additional Sessions Judge, Amritsar vide which, bail order dated 29.09.2020, has been cancelled and bail bonds/surety bonds of the petitioner were forfeited on account of non-appearance on 10.01.2024, in FIR No. 179, dated 02.09.2020, under Section 21 and 22 of NDPS Act, 1985, registered at Police Station Majitha, Amritsar.
2. Learned counsel for the petitioner submits that it is only on an isolated instance when he could not appear before the trial Court, as he met with an accident. The non-appearance of the petitioner is neither willful nor deliberate but only on account of his accident and he is ready and willing to surrender before the trial Court.
3. Considering the afore-said facts and circumstances, this Court is convinced that the non-appearance of the petitioner on 10.01.2024 before the trial

Court is neither intentional nor deliberate, who is ready and willing to join the proceedings which would facilitate the furtherance of the same especially wherein, he is involved in a case wherein there is a recovery of 30 intoxicant tablets and was already on regular bail granted by learned Additional Sessions Judge, Amritsar vide order dated 29.09.2020 (Annexure P-1). This Court is also conscious of the fact that since after the grant of regular bail to the petitioner, he has been regularly appearing before the trial Court and it was on an isolated instance.

4. In view of the discussions made hereinabove, the petition is disposed off with a direction to the petitioner to surrender before the trial Court.

5. In case, the petitioner surrenders before the trial Court within a period of one week from today and applies for bail, the same shall be considered in accordance with law on that very day itself.

6. However, the aforesaid order/concession to the petitioner shall be subject to payment of Rs.10,000/- as costs to be deposited with the Punjab and Haryana High Court Bar Association, Chandigarh and a receipt of the same be produced before the Trial Court at the time of surrender and only in that eventuality application of the petitioner seeking bail shall be considered by the Trial Court.

7. Ordered accordingly.

(SANDEEP MOUDGIL)
JUDGE

01.03.2024
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No