

2024:PHHC:030119
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-11214-2024
DECIDED ON: 04.03.2024

PARDEEP SINGH ALIAS DEEP

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Sunpreet Singh, Advocate and
Mr. Gurmehar Sekhon, Advocate for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 482 Cr.P.C., for quashing of the impugned order dated 13.09.2023 (Annexure P-4) passed by Additional Sessions Judge, Ludhiana, whereby bail of the petitioner was cancelled in FIR No.191 dated 26.11.2018, under Section 21 of NDPS Act, 1985, registered at Police Station Division No.3, Ludhiana (Annexure P-1).

2. Learned counsel for the petitioner submits that in an alleged recovery of 200 grams of heroin, which is non-commercial in nature, the petitioner was granted the concession of bail by the Court of Sessions vide order dated 08.02.2019 (Annexure P-2).

3. The case set up by the petitioner is that due to miscommunication between him and his counsel representing before the trial Court, a wrong date was noted down by the petitioner and, therefore, he could not appear on 13.09.2023 (Annexure P-4) on which the bail was cancelled and surety bonds were ordered to be forfeited to the State.

4. He further submits that on subsequent dates i.e., 03.11.2023 and 12.12.2023, when the petitioner again did not appear, non-bailable warrants stands issued for 12.03.2024.

5. Notice of motion.
6. On the asking of Court, Mr. Rajiv Verma, DAG Punjab accepts notice on behalf of respondent-State and submits that it is a case of deliberate absence from the Court and a layman excuse has been concocted in the instant petition to say that there was a miscommunication gap, since the petitioner did not appear on the subsequent dates as well i.e., 03.11.2023 and 12.12.2023.
7. Heard, learned counsel for the respective parties.
8. There is no reason to disbelieve the assertions raised by the petitioner, which prima facie seems to be neither intentional nor deliberate, but has occurred due to miscommunication between the petitioner and his counsel representing before the trial Court and on that account, he deserves at least one chance giving him benefit of doubt to ascertain further bona fides.
9. In the light of above, the petitioner is directed to surrender before the trial Court on 05.03.2024.
10. In case, the petitioner surrenders before the trial Court on 05.03.2024 and moves an application seeking bail, the trial Court is expected to consider the same on that very day itself in accordance with law.
11. 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 Clerks Social Welfare Fund Association, Chandigarh and a receipt of the same be produced before the Trial Court and only in that eventuality application of the petitioner seeking bail be considered by the Trial Court.
12. Ordered accordingly.

(SANDEEP MOUDGIL)
JUDGE

04.03.2024

Meenu

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