

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

**CRM-M No. 11291 of 2024 (O&M)
Date of Decision: 05.03.2024**

Sahib Singh @ Saba

..... Petitioner

Versus

The State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Lovish Rattan, Advocate
for the petitioner.

HARKESH MANUJA, J. (ORAL)

The petitioner, by way of present petition filed under Section 482 Cr.P.C., seeks quashing of the order dated 21.12.2023 (Annexure P-4) passed by the learned Additional Sessions Judge, Amritsar, in case FIR No. 128 dated 13.10.2017, under Sections 21/61/85 of NDPS Act, registered at Police Station Chattiwind, District Amritsar, whereby the bail of petitioner has been cancelled, while forfeiting his bail / surety bonds due to non-appearance.

[2] In the present case having been implicated in FIR (supra), the petitioner was granted concession of regular bail vide order dated 14.11.2017 (Annexure P-2) passed by the learned Judge, Special Court-cum-Additional Sessions Judge, Amritsar and continued to appear before the Trial Court thereafter, but for 21.12.2023 when on account of some miscommunication about the date between him and his counsel, he could not appear before the trial Court, resulting into cancellation of his bail.

[3] While impugning the aforesaid order dated 21.12.2023 (P-4), 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 21.12.2023 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] Notice of motion.

[5] Mr. Athar Ahmad, Deputy Advocate General, Punjab, accepts notice on behalf of the respondent-State and opposes the prayer made in the petition, while submitting that the petitioner absented himself on 21.12.2023 whereas he has approached this Court only in the month of March, 2024 i.e. after a period of almost 2½ 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.

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

[7] Considering the fact that the petitioner could not appear before the Trial Court on 21.12.2023 on account of some miscommunication between him and his counsel; besides, nature of FIR registered against him and the fact that he never indulged himself in any kind of criminal activity post 21.12.2023 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 21.12.2023 (P-4) passed by the learned Additional Sessions Judge, Amritsar, is set aside. The petitioner is directed to appear before the Trial Court within a period of 07 (seven) days from today and furnish his fresh bail bonds /

surety bonds to its satisfaction and till then, no coercive steps shall be taken against him.

[8] **Disposed off** accordingly.

[9] This order, however, shall be subject to payment of cost(s) of Rs.10,000/- to be deposited by the petitioner with the District Legal Services Authority, Amritsar, within a period of one week from the date of receipt of certified copy of this order.

March 05, 2024
'dk kamra'

(HARKESH MANUJA)
JUDGE

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