

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

(104)

CRM-M-12998-2024

Date of decision: - 15.03.2024

Rajat Kumar alias Raja alias Madaan alias Mota**....Petitioner****Versus****State of Punjab****.....Respondent****CORAM : HON'BLE MR. JUSTICE VIKAS BAHL**

Present:- Mr. Ajay Kumar, Advocate
for Mr. Rishu Mahajan, Advocate,
for the petitioner.

Mr. T.P.S. Walia, AAG, Punjab.

VIKAS BAHL, J. (ORAL)

1. Present petition has been filed under Section 482 Cr.P.C. for quashing of impugned order dated 22.09.2023 (Annexure P-3) whereby the bail of the petitioner has been cancelled. A challenge was also made to impugned orders dated 03.11.2023 (Annexure P-4) and dated 06.12.2023, passed by the Judicial Magistrate 1st Class, Ludhiana, whereby the petitioner has been declared as proclaimed person in FIR No.88 dated 11.05.2021, under Sections 420, 473, 379 and 120-B IPC and under Section 21 of the Narcotic Drugs & Psychotropic Substances Act, 1985, registered at Police Station Dehlon, District Ludhiana.
2. Learned counsel for the petitioner has submitted that the present FIR was registered on the basis of a secret information and the

petitioner was granted regular bail vide order dated 13.12.2021 by a Co-ordinate Bench of this Court and was thereafter appearing before the trial Court regularly. It is further submitted that on 05.09.2023, the petitioner had noted a wrong date i.e. 07.12.2023 and thus, he could not appear on the dates which were fixed between 05.09.2023 to 07.12.2023. It is stated that no effective hearing had taken place in the period from 05.09.2023 to 07.12.2023 and has further stated that the petitioner undertakes to appear before the trial Court within a period of 14 days from today and also on each and every date thereafter and for the delay caused by the petitioner, he is ready to deposit Rs.15,000/- with the 'PGI Poor Patients Welfare Fund' within a aforesaid period of 14 days and would produce the receipt regarding the same before the trial Court.

3. Learned State counsel, on the other hand, has opposed the present petition and has submitted that once the petitioner was granted regular bail and had been appearing before the trial Court, thus, he was aware about the proceedings and his non-appearance was intentional and the impugned orders have been rightly passed.

4. This Court has heard the learned counsel for the parties and has perused the paper-book.

5. Keeping in view the above-said facts and circumstances, more so, the fact that the petitioner after having been granted regular bail vide order dated 13.12.2021, by a Co-ordinate Bench of this Court, was regularly appearing before the trial Court and it is the case of the petitioner that on 05.09.2023, he had noted a wrong date i.e. 07.12.2023 and on the dates in between, no prosecution witness was produced and

also the fact that the petitioner has undertaken to appear before the trial Court within a period of 14 days from today and also submit an undertaking that he would appear on each and every date, the present petition is allowed and the impugned orders dated 22.09.2023 (Annexure P-3), 03.11.2023 (Annexure P-4) and 06.12.2023 (Annexure P-6) are set aside, subject to the petitioner appearing before the trial Court within a period of 14 days from today and on his appearance, the trial Court is directed to release the petitioner on bail on his furnishing bail bonds/surety bonds to the satisfaction of the concerned trial Court. The same would also be subject to the petitioner depositing an amount of Rs.15,000/- with the 'PGI Poor Patients Welfare Fund' and would also be subject to the petitioner giving an undertaking to the trial Court that he would appear before the trial Court on each and every date.

6. It is, however, clarified that in case, the abovesaid conditions are not complied with, within the stipulated period, then the present petition would be deemed to have been dismissed.

March 15, 2024
naresh.k

(VIKAS BAHL)
JUDGE

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