

CRM-M-11827-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(127)

CRM-M-11827-2024
Date of Decision:-06.03.2024

Sunny Masih

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Naveen Batra, Advocate for the petitioner.

ALOK JAIN, J. (Oral)

1. The present petition is for setting aside the order dated 30.01.2024 (Annexure P-3), whereby, the bail and surety bonds of the petitioner have been cancelled and non-bailable warrants have been issued in case FIR No.24 dated 01.03.2021 under Section 21 of the NDPS Act, 1985, registered at Police Station Mehtiana, District Hoshiarpur (Annexure P-1).

2. Learned counsel for the petitioner submits that the petitioner was granted the concession of bail by the trial Court in the present FIR in the year 2021 and thereafter, the petitioner has been regularly attending the trial. However, due to inadvertence, the petitioner could not present himself on 30.01.2024 and the impugned order dated 30.01.2024 (Annexure P-3) was passed.

3. Notice of motion.

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4. Mr. Siddharth Attri, AAG, Punjab, accepts notice on behalf of respondent-State.

5. Heard learned counsel for the petitioners.

6. Considering the fact that seeking detailed reply shall only procrastinate the trial, which is pending since long, the ends of justice would be met if petitioner is granted one opportunity to join the proceedings.

7. Furthermore, the Hon'ble Supreme Court of India in case titled as ***"Krishna Sharma @ Krishna Kumar Sharma Vs. The State of West Bengal and another"*** SLP (Crl.) No. 12829 of 2023, the relevant extract of which reads as under:

"However, we find that merely because the appellant did not appear personally could not have been a ground for cancellation of bail. The parameters for grant of bail and cancellation of bail are totally different. The bail already granted may be cancelled, if it is found that the person who has been granted the benefit of bail has violated any of the conditions or misused the liberty by influencing the witnesses or tampering with the evidence."

8. Considering the ratio of law as laid down by the Hon'ble Supreme Court of India, the petitioner is directed to surrender on or before the trial Court on **13.03.2024** and shall be released on bail on his furnishing bail/surety bonds to the satisfaction of trial Court/CJM/Duty Magistrate concerned. The trial Court shall consider the restoration of old bail bonds/surety bonds, if not forfeited till date.

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9. However, the above concession so granted to the petitioner shall be subject to cost of Rs.5,000/- to be deposited by the petitioner in the *Poor Patients Welfare Fund, PGIMER, Chandigarh*, within one week from today.
10. With the above observations, the present petition is disposed of.

(ALOK JAIN)
JUDGE

March 06, 2024.
Sandeep

Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No