

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

**CRM-M-12169-2024
DECIDED ON: 07.03.2024**

SONU YADAV

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Zorawar S. Chauhan, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 482 Cr.P.C. seeking quashing of impugned order dated 17.11.2023 (Annexure P-4), passed by learned trial Court in case bearing No.NDPS/58/2022, titled as “State of Haryana versus Anil @ Amit @ Another”, whereby the bail of the petitioner stands cancelled and bail/surety bonds were forfeited to the State in case arising out of FIR No.88, dated 02.05.2022, under Section 22A of NDPS Act, 1985 (Section 27A NDPS Act, 1985 added later on), registered at Police Station Rampura, District Rewari.

Learned counsel for the petitioner contends that the petitioner was arrested in another FIR bearing No.459 dated 10.07.2023, under Section 193 IPC and Section 3/25 of Arms Act, Police Station Neemrana, District Kotputli Behror, wherein he was in custody since 09.11.2023 and on that account, could not appear before the trial Court in the instant case on 17.11.2023. Since, he was in custody, he could not make any alternate arrangement for filing exemption application or to intimate his counsel, on

account of which his bail stands cancelled and bail/surety bonds were forfeited to the State along with issuance of non-bailable warrants against the petitioner.

He undertakes that the petitioner will surrender before the trial Court and shall join the trial proceedings without any delay or default in future as his absence on 17.11.2023 was neither intentional nor deliberate.

Notice of motion.

On the asking of the Court, Mr. B.S. Virk, Sr. DAG, Haryana accepts notice on behalf of the respondent/State, who is not averse to the undertaking given by the petitioner that he will surrender before the trial Court.

Considering the aforesaid facts and circumstances, this Court deems it appropriate that benefit of doubt needs to be granted to the petitioner in the peculiar facts and circumstances, wherein reason for his absence on 17.11.2023 before the trial Court has been well explained on account of having been implicated in another FIR and was in custody in that in Behror, District Alwar, Rajasthan and might not be in a position to communicate with his counsel for making arrangements including filing of exemption application on that date.

Be that as it may, without going further into the merits of the case, it would be in the fittest of things to facilitate the furtherance of trial, the prayer of the petitioner is accepted.

In view of the above, the petitioner is directed to surrender before the trial Court within a period of one week from today and apply for regular bail.

In case, such an application for bail is moved by the petitioner before the learned trial Court, the same shall be considered on the same date and decided in accordance with law.

However, it is made clear that in case the petitioner does not abide by the aforesaid undertaking, the respondent/State shall be at liberty to move an appropriate application for revival of the instant petition.

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

07.03.2024
Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

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