

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

**CRM-M-12700-2024
DECIDED ON:13.03.2024**

RAJAN SINGH @ RAJA

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Saksham Dudeja, 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 order dated 24.07.2023 (Annexure P-4) passed by Judge, Special Court, Ludhiana vide which, the bail bonds/surety bonds of the petitioner were cancelled and forfeited to the State and he has been summoned through warrant of arrest on account of his non-appearance on 24.07.2003, in FIR No. 19, dated 10.02.2020, under Section 18 of NDPS Act, 1985, registered at Police Station Sadar Khanna, District Khanna.

2. Learned counsel for the petitioner submits that it is only on an isolated instance when he could not appear before the trial Court on 24.07.2023 on account of the fact that the petitioner had noted down a wrong date of hearing i.e. 26.07.2023, as he is illiterate and working as labourer. It is further submitted that the non-appearance of the petitioner is neither willful nor deliberate but only on account of the afore-said reason alone and he is ready and willing to surrender before the trial Court.

3. Notice of motion.
4. On the asking of Court, Mr. Rajiv Verma, DAG, Punjab, accepts notice on behalf of respondent-State and is not averse if this Court set aside the order dated 24.07.2023 but subject to surrender of the petitioner, so that the trial proceedings could not delayed at his behest.
5. Considering the afore-said facts and circumstances, this Court is convinced that the non-appearance of the petitioner on 24.07.2023 before the trial Court is neither intentional nor deliberate, who is ready and willing to join the proceedings which would facilitate the furtherance of the same.
6. In view of the discussions made hereinabove, the petition is disposed off with a direction to the petitioner to surrender before the trial Court.
7. In case, the petitioner surrenders before the trial Court within a period of one week from today and applies for bail, the same shall be considered in accordance with law on that very day itself.
8. 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 Clerk's Social Welfare Fund Association and a receipt of the same be produced before the Trial Court at the time of surrender and only in that eventuality application of the petitioner seeking bail shall be considered by the Trial Court.
9. Ordered accordingly.

13.03.2024
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(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>