

298 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-14067-2024 (O&M)

Date of Decision: 22.05.2024

Dharampal Singh @ Dharma

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Rajkaran Singh, Advocate for the petitioner.

Mr. Siddharth Sandhu, AAG, Punjab.

HARKESH MANUJA, J. (Oral)

1. By way of present petition filed under Section 482 read with Section 438 Cr.P.C., prayer has been made for quashing the order dated 19.10.2023 (Annexure P-4) passed by learned Special Judge, Ludhiana, whereby bail of the petitioner was cancelled, besides, forfeiture of bail bonds as well as surety bonds to the State, followed by issuance of non-bailable warrants against him.

2. Briefly stating, the petitioner was implicated in FIR No.118 dated 27.06.2021, registered under Sections 18 and 29 of the NDPS Act, 1985 (Section 29 of NDPS Act added later on) at Police Station City Jagraon, District Ludhiana Rural, wherein he was granted the concession of anticipatory bail by this Court passed in CRM-M-30540-2021, vide order dated 03.11.2021 and thereafter, he was regularly appearing before the Trial Court. But for 19.10.2023, when the petitioner could not appear before the Trial Court, resulting into cancellation of bail and forfeiture of bail bonds as

well as surety bonds to the State followed by issuance of non-bailable

warrants against him vide order dated 19.10.2023. The aforesaid order has been impugned by way of present petition.

3. Learned counsel for the petitioner submits that the petitioner could not appear before the trial Court on 19.10.2023, due to the reason that he noted down the wrong date.

4. Reply by way of affidavit of Mr. Jasjyot Singh (PPS), DSP, Jagraon, District Ludhiana (Rural) filed on behalf of respondent-State is taken on record.

5. Learned State counsel vehemently opposes the prayer made on behalf of the petitioner while submitting that the non-appearance of the petitioner before the Trial Court was just to cause delay in the disposal of trial.

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

7. The non-appearance of the petitioner before the Trial Court on 19.10.2023 appears to be unintentional and for bonafide reason i.e. on account of having noted down wrong date.

8. Moreover, learned counsel for the petitioner on instructions from his client, submits that he volunteers to deposit a cost of Rs.10,000/- with the Nishkam Sewa Group (For Charitable Work) run by Punjab & Haryana High Court Lawyers at Chandigarh.

9. In view of the above, the present petition is allowed. Order dated 19.10.2023 is set aside. Petitioner is directed to appear before the Trial Court within a period of 10 days from today and furnish his fresh bail/surety bonds, which shall be accepted, subject to its satisfaction. Till then, no coercive steps be taken against the petitioner.

10. The aforesaid order shall be subject to payment of costs of Rs.10,000/- as volunteered by the petitioner, with the Nishkam Sewa Group (For Charitable Work) run by Punjab & Haryana High Court Lawyers at Chandigarh, within a period of one week from today. The receipt of the aforesaid deposit shall be produced by the petitioner at the time of submissions of his bail/surety bonds before the Trial Court/Duty Magistrate.
11. All the pending applications, if any, stand disposed of.

22.05.2024
sonika

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned: yes/no
Whether reportable? yes/no