

CRM-M-14106-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(148)

CRM-M-14106-2024
Date of Decision:-18.03.2024

Lakhbir Singh
.....Petitioner

Versus

State of Punjab
.....Respondent

CORAM: HON’BLE MR. JUSTICE ALOK JAIN

Present: Mr. Vikas Gupta, Advocate
for the petitioner.

Mr. Siddharth Attri, AAG, Punjab.

ALOK JAIN, J. (Oral)

1. The present petition is for quashing of order dated 15.03.2023 (Annexure P-3) passed by learned Additional Sessions Judge, Tarn Taran, whereby, the bail of the petitioner has been cancelled and the bail bonds and surety bonds were forfeited on account of the absence of the petitioner on the date fixed by trial Court in FIR No. 127 dated 03.08.2019 under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1959 registered at Police Station Sadar Patti, District Tarn Taran (Annexure P-1).
2. Learned counsel for the petitioner submits that the petitioner was granted the concession of bail on 06.09.2019 by the trial Court and had been appearing all throughout the trial, however, on account of his non-appearance on 15.03.2023 the bail of the petitioner was cancelled and his bail bonds and surety bonds were forfeited and subsequent thereto, non-

CRM-M-14106-2024

bailable warrants were issued for 24.07.2023. On coming to know about the above, the petitioner again approached the Court below for grant of anticipatory bail, however, the same came to be dismissed on 24.01.2024.

3. Learned counsel for the petitioner further submits that the absence of the petitioner was due to some miscommunication with his counsel, which led to his absence, however, undertakes that the petitioner shall file fresh bail bonds and surety bonds and shall not absent himself.

4. Notice of motion.

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

6. Heard learned counsel for the parties.

7. 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.

8. 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, held:

"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."

CRM-M-14106-2024

9. In light of the above peculiar facts and circumstances and considering the ratio of law as laid down by the Hon’ble Supreme Court of India, the present petition stands **disposed of** and the order dated 15.03.2023 is set aside.

10. The petitioner is directed to surrender before the trial Court on 01.04.2024, the date already fixed and shall be released on bail by furnishing heavy bail bonds and surety bonds to the satisfaction of trial Court/CJM/Duty Magistrate concerned.

11. In addition to the above, the petitioner is imposed with a cost of Rs. 10,000/- to be deposited in *Poor Patients Welfare Fund, PGIMER, Chandigarh*, within two weeks from today.

(ALOK JAIN)
JUDGE

March 18, 2024
Parul

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