



CRM-M-14436-2024

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

**CRM-M-14436-2024
Date of decision: 12.09.2024**

AJAY KUMAR**....Petitioner**

Versus

STATE OF PUNJAB**....Respondent****CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY**

Present:- Mr. Avtar Singh Bhatti, Advocate
for the petitioner.

Mr. Jatinderpal Singh, Sr. DAG, Punjab.

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SANJIV BERRY, J. (ORAL)

The instant petition under Section 482 Cr.P.C. has been moved by the petitioner seeking quashing of the order dated 20.11.2023 (Annexure P-3) passed by learned Additional Sessions Judge, Hoshiarpur in case FIR No.0268, dated 07.09.2023 registered under Sections 22 and 29 of NDPS Act at Police Station Tanda, District Hoshiarpur, whereby the bail order dated 20.10.2023 and bail bonds of the petitioner were cancelled and forfeited to the State.

2. Learned counsel for the petitioner *inter alia* contends that in compliance of the order dated 20.03.2024, petitioner appeared before the learned trial Court on 29.03.2024 and furnished requisite bail bonds, surety bonds and placed on record copy of order dated 29.03.2024 passed by



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learned Judicial Magistrate 1st Class, Dasuya. He contends that since the petitioner has joined the trial Court proceedings, as such the order dated 20.11.2023 (Annexure P-3) passed by learned Additional Sessions Judge, Hoshiarpur whereby the bail order dated 20.10.2023 and bail bonds of the petitioner were cancelled and forfeited to the State, be quashed.

3. Learned State counsel has not disputed the aforesaid factual matrix of the case and submits that petitioner appeared on 29.03.2024 before the learned trial Court and furnished requisite bail bonds.

4. Heard.

5. During the course of the proceedings, following order was passed on 20.03.2024:-

“1. Instant petition has been preferred under Section 482 Cr.PC seeking quashing of the order dated 20.11.2023 (Annexure P-3), passed by learned Additional Sessions Judge, Hoshiarpur, vide which the bail order dated 20.10.2023 and bail bonds were cancelled and forfeited to the State in case FIR (Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
0268	07.09.2023	22 and 29 of NDPS Act	theTanda, District Hoshiarpur

2. Heard.

3. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner after having been arrested in case FIR (Annexure P-1) was granted concession of bail vide order dated 20.10.2023 passed by learned Additional Sessions Judge, Hoshiarpur (Annexure P-2).

4. Learned counsel for the petitioner contends that challan in this case has yet not been presented and the case was fixed for remand papers only. On 20.11.2023 neither the petitioner could appear in Court due to having wrongly note the dated on



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20.12.2023 nor his counsel could appear due to the same reasons, leading to cancellation of bail by the learned Trial Court and thereafter issuance of nonailable warrants of arrest qua the petitioner for 21.02.2024. He further contends that now the case is pending for 02.05.2024 and prays that absence of the petitioner on the date fixed was not intentional but due to having wrongly noted the date. He further contends that the petitioner will regularly appear on each and every date of hearing and in case of extreme exigency, the petitioner will seek prior exemption from the concerned Court in accordance with the law.

5. *Notice of motion.*

6. *On the asking of the Court, Mr. Harpreet Singh, Addl. AG, Punjab, present in Court, accepts notice on behalf of the State-respondent and does not dispute the factual matrix of the case and prays for time to file the status report/reply in the matter.*

7. *Adjourned to 05.04.2024.*

8. *Needful be done well before the date fixed with an advance copy to the counsel opposite.*

9. *In the meantime, petitioner is directed to appear before the Court of learned Trial Court within 10 days from today. In the event of the arrest of the petitioner, he shall be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the concerned Court/Duty Magistrate. The petitioner shall also furnish a specific undertaking before the trial Court that in future, he would be regularly appearing before the concerned Court on each and every date and in case of some exigency, he will seek prior permission of the concerned Court qua his exemption to appear on the date fixed.”*

6. Keeping in view the fact that the petitioner has already appeared on 29.03.2024 before the learned trial Court and furnished requisite bail/surety bonds consequent to the order dated 20.03.2024, passed by this Court, the present petition is allowed and order dated 20.11.2023 (Annexure P-3), passed by learned Additional Sessions Judge, Hoshiarpur, whereby the bail order dated 20.10.2023 and bail bonds of the



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petitioner were cancelled and forfeited to the State is hereby set aside and the interim bail granted vide order dated 20.03.2024 is hereby confirmed.

7. The Petition stands disposed of.

12.09.2024
puneet

(SANJIV BERRY)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |