

CRM-M-14819-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(137)

CRM-M-14819-2024
Date of Decision:-22.03.2024

Karandeep Singh @ Tidan

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Ketan Chopra, Advocate for the petitioner.

Mr. Siddharth Attri, AAG, Punjab.

ALOK JAIN, J. (Oral)

1. The present petition is for quashing of order dated 21.02.2024 (Annexure P-4) passed in case No.NDPS/644 of 2018 in FIR No.9 dated 11.01.2019, under Sections 21, 61 of NDPS Act, 1985, registered at Police Station Division No.6, Ludhiana pending in the Court of learned Additional Sessions Judge, Ludhiana, whereby the bail of the present petitioner has been cancelled and the bail bonds were forfeited and his non-bailable warrants have been issued.
2. Learned counsel for the petitioner submits that the petitioner was granted the concession of regular bail by the trial Court in the present FIR on 12.03.2019 and thereafter he has been regularly attending the trial. However, on 21.02.2024 due to his ill health he could not come present and the learned trial Court cancelled his bail order. Subsequently, the proclamation order was issued against the petitioner but as per the order

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dated 04.03.2024 (Annexure P-6), the matter was listed after the proclamation, which was effected on 28.02.2024 and the clear cut 30 days have also not been completed and, therefore, the proclamation also suffers from patent illegality. However, he does not raise challenge to the above and submits that the petitioner is ready to surrender before the trial Court on 28.03.2024, i.e. the date fixed and his liberty be protected.

3. Notice of motion.

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

5. Heard learned counsel for the petitioners.

6. Considering the fact that seeking detailed reply shall only procrastinate the trial, which is pending since long and the ends of justice would be met if petitioner is granted one opportunity to join the proceedings. Although the next date of hearing before the trial Court is 28.03.2024. As regards the order, whereby the proclamation process had been initiated, the trial Court shall pass an appropriate order as the petitioner has been ordered to put in appearance.

7. 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:

“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

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violated any of the conditions or misused the liberty by influencing the witnesses or tampering with the evidence.”

8. Considering the ratio of law as laid down by the Hon’ble Supreme Court of India, the petitioner is directed to surrender on or before the trial Court on 28.03.2024 and shall be released on bail by furnishing fresh bail bonds and surety bonds to the satisfaction of trial Court/CJM/Duty Magistrate concerned.

9. In light of the above, the present petition stands disposed of and the petitioner is imposed with a cost of Rs. 5,000/- to be deposited in **Poor Patients Welfare Fund, PGIMER, Chandigarh**, within two weeks from today.

(ALOK JAIN)
JUDGE

March 22, 2024
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Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No