

CRM-M-15196-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

(134)

CRM-M-15196-2024  
Date of Decision:-22.03.2024

Mandeep Singh @ Budhu  
.....Petitioner

Versus

State of Punjab  
.....Respondent

CORAM: HON’BLE MR. JUSTICE ALOK JAIN

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Present: Mr. Malkait S. Hundal, Advocate  
for the petitioner.  
  
Mr. Siddharth Attri, AAG, Punjab.

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ALOK JAIN, J. (Oral)

1. The present petition is for quashing of order dated 06.01.2024 (Annexure P-3) passed by learned Additional Sessions Judge, Amritsar, 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. 84 dated 22.04.2023 under Sections 21, 29, 61, 85 of the Narcotic Drugs and Psychotropic Substances Act, 1959 registered at Police Station Jandiala, District Amritsar (Annexure P-1).
2. Learned counsel for the petitioner submits that the petitioner was granted the concession of regular bail on 28.08.2023 (Annexure P-2) by the trial Court and had been appearing all throughout the trial, however, on account of his non-appearance on 06.01.2024 when the challan was presented, the bail of the petitioner was cancelled and his bail bonds and

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surety bonds were forfeited and subsequent thereto, non-bailable warrants were issued for 20.01.2024 and 18.03.2024, however, the same were not executed and hence, the petitioner was not aware of the said dates. Therefore, the trial Court while adopting the coercive measures vide order dated 18.03.2024 issued the proclamation for 01.05.2024, however, learned counsel for the petitioner reiterates that till date proclamation has not been issued.

4. Notice of motion.

5. Mr. Siddharth Attri, AAG, Punjab, accepts notice on behalf of respondent-State and has vehemently opposed the petition on the ground that the concession of regular bail was granted to the petitioner only on account of the pendency of non submission of FSL report and it was the duty of the petitioner to follow up the matter, however, could not deny the fact that the challan was presented itself on 06.01.2024 in the absence of the petitioner and the same very day, non-bailable warrants had been issued.

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*

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*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.”*

9. In light of the above factual matrix and the settled proposition of law as held by the Hon’ble Supreme Court of India, the present petition stands **disposed of** and the petitioner is directed to surrender before the concerned trial Court on 30.03.2024 and shall seek the concession of regular bail which shall be decided by the Court below expeditiously in accordance with law on its own merits, as the earlier bail granted was only on the ground that the FSL report has not been filed.

**(ALOK JAIN)**  
**JUDGE**

**March 22, 2024**  
*Parul*

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