

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.16833 of 2024
Date of Decision: 08.04.2024

MOHD. SHAKIR ALIAS REHMANPetitioner

Vs

STATE OF HARYANARespondent

CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA*

Present: Mr. Tushar Gautam, Advocate
for the petitioner.

HARKESH MANUJA, J. (Oral)

[1]. By way of present petition filed under Section 438 Cr.P.C., prayer has been made for quashing of orders dated 14.03.2023 and 01.03.2024 passed by the Special Judge, Ambala, whereby the bail order granted in favour of the petitioner was cancelled and his bail bonds/surety bonds forfeited to the State followed by issuance of warrant of arrest against him due to his non-appearance before the Court concerned.

[2]. Learned counsel for the petitioner submits that non-appearance of the petitioner was neither intentional nor willful as on 14.03.2023, the petitioner was in custody in relation to FIR No.12 dated 08.08.2020 registered under Sections 21 and 22 of NDPS Act, 1985 at Police Station Sector 9, Ambala and was never produced on production warrant resulting into cancellation of bail and forfeiture of bail bonds and surety bonds to the State followed by issuance of non-bailable warrants against him.

[3]. Learned counsel for the petitioner further submits that the petitioner is ready and willing to appear before the Trial Court as he has already been granted concession of regular bail in the said FIR No.12 dated 08.08.2020.

[4]. Notice of motion.

[5]. Upon advance notice, Mr. Chetan Sharma, D.A.G., Haryana accepts notice on behalf of respondent/State and opposes the prayer made on behalf of the petitioner while referring to his repeated involvement in different FIRs involving offences under the provisions of NDPS Act.

[6]. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

[8]. From the record it appears that non-appearance of the petitioner on 14.03.2023 was for *bona fide* reason as he being in custody in relation to FIR No.12 dated 08.08.2020 was required to be produced on production warrant, however on account of his non-appearance his bail was cancelled and surety bonds/bail bonds were forfeited to the State followed by issuance of non-bailable warrants against him. Immediately upon his release on bail in FIR No.12 dated 08.08.2020, the petitioner has filed the present petition and, thus his intent is to join the proceedings before the Court concerned and his non-appearance cannot be solely attributed to him.

[9]. Considering the aforesaid facts, the present petition is allowed and the orders dated 14.03.2023 and 01.03.2024 passed by the Special Judge, Ambala are hereby quashed. Petitioner is directed to surrender before the Trial Court within a period of 07 (seven) days from today and in the event of his appearance, he shall be

released on regular bail, subject to his furnishing fresh adequate bail bonds/surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate.

[10]. The aforesaid order, however would be subject to deposit of cost(s) of Rs.10,000/- by the petitioner with the District Legal Services Authority, Ambala.

April 08, 2024
Atik

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No