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

CRM-M-20323-2024

Date of decision: 02.05.2024

Gurcharan Singh @ Mattu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Ravi Malhotra, Advocate for the petitioner.

Mr. Inderjeet Singh, DAG, Punjab.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner seeking quashing of order dated 28.03.2024 (Annexure P-4) passed by the Court of Judge Special Court, Ludhiana whereby the bail order of the petitioner was cancelled and he was directed to be summoned through non bailable of warrants for 01.07.2024, on account of his absence before the trial Court on the date fixed in a criminal case having FIR No. 79 dated 14.09.2023, under Sections 22 of NDPS Act, registered at Police Station Jodhan, District Ludhiana Rural.

2. Counsel for the petitioner submits that the present case is relating to recovery of non commercial quantity of contraband and the petitioner was granted interim bail vide order dated 19.10.2023 (Annexure P-2) as at that time, the report of FSL was awaited. Counsel for the petitioner further submits that after grant of interim bail, the petitioner was regularly appearing before the trial Court but due to some unavoidable circumstances, he failed to turn up before the trial Court on 28.03.2024 and on account of said single default, the learned trial Court passed impugned order vide (Annexure P-4) in a hasty manner and cancelled his bail bonds.

Counsel for the petitioner further submits that absence of the petitioner on 28.03.2024 was not intentional and even now, the petitioner is ready to join the proceedings in the trial at the earliest.

3. On the other hand, the State counsel submits that petitioner jumped bail on 28.03.2024 and resultantly, the impugned order was passed by the trial Court and there is no illegality or infirmity in the same. However, the State counsel on instructions from ASI Sukhjeet Singh apprised the Court that the recovery from the petitioner comes under non commercial quantity as per the report of FSL dated 31.10.2023 and he filed the copy of the said report in the Court today, which is taken on record.

4. I have considered the submissions made by counsel for the parties.

5. Admittedly, prior to passing of impugned order Annexure P-4, petitioner was given concession of interim bail by the trial Court vide order dated 19.10.2023 Annexure P-2. It is not disputed that the present case is relating to recovery of non commercial quantity of contraband and thus, is not covered under the rigors of Section 37 of NDPS Act. Further, petitioner is ready and willing to join proceedings before the trial Court at the earliest.

6. In light of the above, without expressing any opinion on the merits of the case, the present petition is allowed and petitioner is directed to appear before the trial Court within next 10 days and on his doing so, the petitioner is to be released on regular bail subject to his furnishing of bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

02.05.2024

Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No