

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.21389 of 2024
Date of Decision: 30.04.2024

LOVEPREET SINGH
VsPetitioner(s)

STATE OF PUNJABRespondent(s)

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

Present: Mr. Prateek Pandit, Advocate
for the petitioner.

HARKESH MANUJA, J. (Oral)

[1]. By way of present petition filed under Section 482 Cr.P.C., prayer has been made for setting aside the order dated 15.03.2024 (Annexure P-10) passed by the Judge Special Court, Kapurthala, whereby bail of the petitioner was cancelled and his bail bonds /surety bonds were forfeited to the State resulting into issuance of fresh non-bailable warrants against him.

[2]. Briefly stating, having been implicated as an accused in FIR No.207 dated 27.07.2023 registered under Sections 21, 29 of NDPS Act, 1985 at P.S. City, Kapurthala, District Kapurthala, petitioner was granted concession of regular bail by the Trial Court vide order dated 25.09.2023 and since then, he was regularly participating in the proceedings. But for one date i.e. 15.03.2024, when petitioner could not appear on account of wrong date of hearing noted down by him resulting into cancellation of his bail and issuance of non-bailable warrants against him.

[3]. Impugning the aforesaid order dated 15.03.2024, learned counsel for the petitioner submits that non-appearance of the petitioner was wholly unintentional as the petitioner never intended to evade the process of law. It has

been further submitted that since 15.03.2024 till today, petitioner never indulged himself in any kind of criminal activity and is ready to surrender before the Trial Court to join the proceedings. Learned counsel also submits that the petitioner volunteers to serve the public cause by providing two wheelchairs to the Civil Hospital, Kapurthala.

[4]. Notice of motion.

[5]. Upon advance notice, Mr. Athar Ahmed, DAG, Punjab accepts notice on behalf of the respondent/State and opposes the prayer made on behalf of the petitioner while submitting that despite having knowledge of pendency of proceedings against him, petitioner chose not to submit himself to the jurisdiction of the Court and, thus, order dated 15.03.2024 passed by the Judge Special Court, Kapurthala, warrants no interference.

[6]. I have heard learned counsel for the parties and gone through the paper book.

[7]. Considering the fact that the petitioner could not appear before the Trial Court on 15.03.2024 on account of noting down of wrong date of hearing by him and the fact that he never indulged himself in any kind of criminal activity post 15.03.2024 till date and also that he is ready to join the proceedings before the Appellate Court, the present petition is allowed and the order dated 15.03.2024 passed by the Judge Special Court, Kapurthala is set aside with a direction to the petitioner to appear before the Trial Court within a period of ten (10) days from today and furnish his bail bonds/surety bonds to the satisfaction of the concerned Court. The petitioner shall also file an affidavit that he will appear on each and every date of hearing except in case of the exemptions specifically granted by the Court concerned.

[8]. The aforesaid order, however, shall be subject to providing two wheelchairs to the Civil Hospital, Kapurthala as volunteered by the petitioner against due receipt issued by the concerned Civil Surgeon, who shall prepare an inventory in this regard for its regular inspection by the Director concerned. The copy of receipt shall also be produced before the Trial Court. Till then, no coercive steps be taken against the petitioner.

April 30, 2024	(HARKESH MANUJA)
<i>Atik</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No