



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

CRM-M-23176-2024

Date of decision: 09.05.2024

MALKIT SINGH ALIAS MIKA AND ANOTHER

....Petitioners

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Sahil Nain, Advocate
for the petitioners.

Mr.Pardeep Bajaj, DAG, Punjab.

KULDEEP TIWARI. J.(Oral)

1. Through the instant petition, as instituted under Section 482 of the Cr.P.C., the petitioner seeks quashing of the impugned order dated 22.02.2024 (Annexures P-3), passed by the learned Judge, Special Court, Kapurthala passed in the case arising out FIR No.234, dated 21.08.2019, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station City Kapurthala, District Kapurthala (Annexure P-1), whereby, the interim bail of the petitioners have been cancelled and their bonds have been forfeited to the State, besides their warrants of arrest have also been issued.

2. Learned counsel for the petitioners submits that the absence of the petitioners before the learned trial Court was neither intentional, nor wilful, as petitioners was regularly appearing before the trial court, in the trial proceedings. What led to the petitioners remaining unrepresented

before the learned trial court on the relevant date, was that, on 22.02.2024, both the petitioners met with an accident, as they were coming on motorcycle.

3. Though the learned counsel for the petitioners has herein challenged the impugned order (*supra*), however, he could not cite any illegality or perversity therein. Therefore, he submits that the petitioners are ready and willing to join the trial proceedings, in case they are granted adequate protection.

4. Notice of motion.

5. Mr.Pardeep Bajaj, DAG, Punjab, accepts notice on behalf of respondent-State and opposes the grant of relief (*supra*) to the petitioners.

6. This Court has heard the learned counsel for both the parties concerned, and has gone through the entire case file.

7. Since the learned counsel for the petitioners is not assailing the validity of the impugned order (*supra*), and the petitioners have defaulted only on one occasion, therefore, the impugned order (*supra*) is upheld. However, in case, the petitioners surrender before the learned trial Court concerned within 10 days from today, and thereupon, makes an application for grant of regular bail, the learned trial Court concerned shall make an endeavour to decide the said application on the same day itself.

8. The arrest of the petitioners shall remain stayed until 10 days from today.

9. However, in case, the petitioner fails to appear before the learned trial Court concerned within 10 days from today, the protection

granted hereinabove *qua* her arrest shall stand automatically vacated.

10. **Disposed of** accordingly.

May 09, 2024

dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No