



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-24992-2024

Date of Decision : 17.05.2024

DILBAGH SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Sandeep Arora, Advocate,
for the petitioner.

Mr.Pardeep Bajaj, DAG, Punjab.

KULDEEP TIWARI. J.(Oral)

1. The present petition has been filed seeking quashing of impugned order dated 19.12.2023 (Annexure P-2), passed by the learned Judge, Special Court, Jalandhar, whereby, on account of non-appearance of the present petitioner, his non-bailable warrants were ordered to be issued in case FIR No.136, dated 17.08.2023, registered under Section 21(b) of the NDPS Act, 1985, at Police Station Shahkot, District Jalandhar.

2. In asking for the relief (*supra*), learned counsel for the petitioner submits that the petitioner was earlier released on regular bail vide order dated 05.10.2023 (Annexure P-2), and since then he is regularly appearing before the learned trial Court concerned. Whereas, due to some mis-communication, owing to non-appearance on one date i.e.19.12.2023, the learned Judge, Special Court, Jalandhar, proceeded to

cancel his bail bonds, and non-bailable warrants were issued against the present petitioner to secure his presence.

3. He further submits that petitioner has no intention to challenge the legality of the order (*supra*), passed by this Court, however, the petitioner is ready and willing to face the trial, and is ready to surrender before the learned trial Court concerned, in case adequate protection is granted to him.

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 present petitioner.

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

7. Since an innocuous and a *bona fide* prayer has been made by learned counsel for the petitioner, without going into the legality or illegality of the impugned order, this Court directs the petitioner to surrender before the learned trial Court concerned within 10 days from today.

8. In case the petitioner surrenders before the learned trial Court concerned, within a stipulated time and furnishes fresh bail and surety bonds, the same shall be accepted by the learned trial Court concerned, however, subject to its satisfaction.

9. In the meanwhile, the arrest of the petitioner shall remain stayed.

10. However, in case, the petitioner fails to appear before the learned trial Court concerned within 10 days from today, the protection granted hereinabove, *qua* his arrest shall *ipso facto* vacated, without any further reference to this Court.

11. **Disposed of accordingly.**

May 17, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

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