



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

CRM-M-26794-2024

Date of Decision : **24.05.2024**

ABHISHEK @ ABHI AND ANOTHER

.....Petitioner

VERSUS

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Bhupinder K. Bhangu, 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 03.04.2024 (Annexure P-5) passed by the learned Judge, Special Court, Kapurthala, whereby, on account of non-appearance of the present petitioner, his non-bailable warrants were ordered to be issued in case FIR No.132, dated 17.04.2020, registered under Section 22/61/85 of the NDPS Act, 1985, at Police Station City Kapurthala, District Kapurthala, as also order dated 18.05.2024 (Annexure P-6), whereby, proclamation proceedings under Section 82 Cr.P.C.have been initiated against the petitioners.

2. In asking for the relief (*supra*), learned counsel for the petitioners submits that petitioner no.1 was earlier granted the relief of regular bail by the learned Judge, Special Court, Kapurthala, vide order dated 13.05.2020 (Annexure P-2), whereas, petitioner no.2 was granted

anticipatory bail vide order dated 13.05.2020, and since then the petitioners were regularly appearing before that Court, whereas, owing to non-appearance on dated 03.04.2024, the learned trial Court concerned, proceeded to cancel their bail bonds, and non-bailable warrants were issued against the present petitioners to secure their presence. Thereafter, due to non-execution of non-bailable warrants, proclamation proceedings were initiated against the petitioners vide order dated 18.05.2024 (Annexure P-6).

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

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. *Per contra*, learned State counsel opposes the grant of relief (*supra*), to the present petitioners.

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

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

9. In case the petitioners surrender before the learned trial Court concerned, within a stipulated time and furnish fresh bail and surety bonds, the same shall be accepted by the learned trial Court concerned, however, subject to its satisfaction, and the petitioners shall be released on regular/anticipatory bail.

10. In the meanwhile, the arrest of the petitioners shall remain stayed.

11. However, in case, the petitioners fail to appear before the learned trial Court concerned within 10 days from today and furnish bail and surety bonds, the protection granted hereinabove, *qua* their arrest shall *ipso facto* vacated, without any further reference to this Court.

12. **Disposed of accordingly.**

May 24, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

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