



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

CRM-M-27966-2024

DECIDED ON: 29.05.2024

SANDEEP

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Ms. Shivani, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 482 Cr.P.C. seeking quashing of order dated 15.05.2024 vide which bail/surety bonds has been cancelled and forfeited to the State due to absence of petitioner during the trial in case FIR No.31, dated 06.06.2021, under Section 22 of NDPS Act, 1985, registered at Police Station Mukandpur, District SBS Nagar.

Learned counsel for the petitioner submits that it is only on one occasion i.e. on 15.05.2024, when the petitioner could not appear before the trial Court, however, he has been continuously appearing on each and every date. He further submits that the absence of the petitioner on the said date i.e. 15.05.2024 is stated to be on account of miscommunication between him and his counsel as he had wrongly noted the date. Due to his absence on 15.05.2024, his bail stands cancelled and bail/surety bonds were forfeited to the State and he was summoned through non-bailable warrants for 21.10.2024.

He undertakes that the petitioner will surrender before the trial Court and shall join the trial proceedings without any delay or default in future.

Notice of motion.

On the asking of the Court, Mr. Jasjit Singh Rattu, DAG, Punjab accepts notice on behalf of the respondent-State, who is not averse to the undertaking given by the petitioner that he will surrender before the trial Court.

This Court also has to take harmonious approach for ensuring that administration of a criminal justice could be delivered smoothly and not be hampered by passing any mechanical order in between wherein bona fide is to be checked before passing a harsh order upon the accused persons.

In view of the above, the petitioner is directed to surrender before the trial Court within a period of one week from today and apply for regular bail.

In case, such an application for bail is moved by the petitioner before the learned trial Court, the same shall be considered on the same date and decided in accordance with law.

However, it is made clear that in case the petitioner does not abide by the aforesaid undertaking, the respondent/State shall be at liberty to move an appropriate application for revival of the instant petition.

The instant petition is disposed of in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

29.05.2024
Poonam Negi

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No