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2024:PHHC:080014

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-29610-2024(O&M)

Date Of Decision- 12.06.2024

AMRINDER SINGH @ JAGGA

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

PRESENT: Mr. Ravi Malhotra, Advocate
for the petitioner.

SANDEEP MOUDGIL,J.

1. Through the instant petition under section 482 Cr.P.C., the counsel for the petitioner prays for quashing of the impugned order dated 16.04.2024(Annexure P-4) passed by the Addl Sessions Judge, Jalandhar, whereby the bail granted to the petitioner has been cancelled vide order dated 16.04.2024(Annexure P-4). Further, non bailable warrants have also been issued against him.

2. The counsel for the petitioner asserts that the petitioner is involved in FIR NO.15 dated 24.01.2020 u/s 15 of NDPS Act 1985 while section 15(b) and section 29 of NDPS Act 1985 were added while framing charges, registered at District Jalandhar Rural, wherein he was arrested on 24.01.2020 and granted regular bail by trial court vide order dated 24.02.2020(Annexure P-3) after

which he has been appearing regularly on every date before the trial court but could not put in appearance on 15.02.2024 by filing an application for grant of exemption from personal appearance which was granted by the trial court and the case was adjourned to 16.04.2024. He further asserts that the petitioner mistakenly noted the next/adjourned date to as 06.07.2024 instead of 16.04.2024 and failed to appear on the actual date wherein on the same date, the trial court had cancelled his bail bond and further issued nonailable warrants against him which the petitioner came to know only when the police started raiding his house.

3. The counsel for the petitioner vehemently argues that the absence of the petitioner was neither willful nor intentional, rather it was bona fide and he further undertakes not to remain absent on any date of hearing in the trial court.

4. Notice of Motion.

5. On the asking of court, Mr. Jaspal Singh Guru, AAG, Punjab, accepts notice on behalf of the Respondent-State.

6. After hearing the submissions made by the counsel for the petitioner and perusal of the record, it is abundantly clear that the petitioner's absence on 16.04.2024 before the trial court was inevitable and beyond his control with no *mala fide* intention to evade the presence at the trial court. Therefore this court deems it appropriate to grant him another opportunity to appear before the trial court within 10 days from today.

7. In addition, in case he moves an application for grant of bail, the same shall be considered and decided expeditiously in accordance with law on that very day.

8. There is no denial to the fact that due to petitioner's act, delay has occurred in trial proceedings and has caused prejudice to the other side and to compensate the delay which is caused by the petitioner alone, the petitioner is directed to deposit costs of Rs.10,000/- before the Punjab and Haryana High Court Bar Clerks Association and a receipt of the same be produced before the Trial Court and only in that eventuality, application of the petitioner for seeking bail be considered.

9. 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.

10. Accordingly, the petition stands disposed of.

12.06.2024

Poonam Negi

**(Sandeep Moudgil)
Judge**

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No