



CRM-26771-2024 in

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

CRM-26771-2024 in
CRM-M-31117-2024
Date of decision: 10.07.2024

Sukhjit Singh @ Soni Sapp

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Rishu Mahajan, Advocate for the petitioner.

Mr. Siddharth Attri, AAG, Punjab.

KARAMJIT SINGH, J. (ORAL)

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This is an application filed under Section 482 of Cr.P.C for preponement of the date of hearing in the main case from 11.09.2024 to an early date.

For the reasons stated in the application, the same is allowed and the date of hearing in the main case is preponed from 11.09.2024 to today and the same is taken on board today itself for hearing.

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1. The present petition has been filed by the petitioner seeking quashing of order dated 28.11.2023 (Annexure P-3) passed by the Judge Special Court, Jalandhar whereby the bail order of the petitioner was cancelled and petitioner was directed to be summoned through nonailable warrants of arrest in a criminal case having FIR No.176 dated 03.10.2023

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under Section 21 of NDPS Act, Police Station, Sadar Jalandhar on account of his absence on the date fixed before the trial Court.

2. Counsel for the petitioner submits that earlier the petitioner was granted regular bail in the aforesaid criminal case by Judge Special Court, Jalandhar vide order dated 10.11.2023 (Annexure P-2). That the absence of petitioner on 28.11.2023 was not intentional and actually, he failed to attend the Court on that date due to noting down of wrong date and consequently, the impugned order was passed by learned trial Court in a hasty manner, without taking into consideration the fact that it was first default on the part of the petitioner. Counsel for the petitioner further submits that during the aforesaid period of his absence the petitioner was not involved any other criminal case and he is willing to join the proceedings in the trial Court at the earliest.

3. The present petition is resisted by the State counsel who submits that the petitioner got absented from the Court proceedings on 28.11.2023 without any intimation to the said Court and resultantly, impugned order was passed by the learned trial Court in accordance with law. However, the State counsel has not disputed the fact that prior to passing of the impugned order, the petitioner was earlier granted regular bail by the Court concerned vide order (Annexure P-2).

4. I have considered the submissions made by counsel for the parties.

5. Admittedly, the petitioner who was granted regular bail vide order dated 10.11.2023 (Annexure P-2) by the Court of competent jurisdiction, subsequently got absented from the Court proceedings on

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28.11.2023 and consequently, impugned order (Annexure P-3) was passed by the learned trial Court.

6. In view of the fact that petitioner is ready and willing to join the proceedings before the trial Court and also in order to avoid any further delay in the trial, the petitioner is hereby directed to appear before the trial Court within next 10 days and on his appearance and he is directed to be released on regular bail to its on satisfaction by the said Court subject to cost of Rs.5,000/- to be deposited by the petitioner with the District Legal Services Authority concerned, with further undertaking not to commit any such default in future.

10.07.2024
Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-	Yes/No
Whether reportable:-	Yes/No