



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

CRM-M-32259-2024

Date of decision : 09.07.2024

Gurtej Singh Maan

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Sumeet Puri, Advocate
for the petitioner (Through V.C.).

RAJESH BHARDWAJ, J. (Oral)

Prayer in the present petition is for quashing of impugned order dated 12.05.2023 (Annexure P-2) whereby bail bonds were cancelled in FIR No.136 dated 04.06.2021 under Sections 21, 61 & 85 NDPS Act registered at Police Station Chattiwind, District Amritsar.

It has been submitted by the counsel for the petitioner that contraband recovered from the petitioner was 09 grams of heroin and that being marginally above the small quantity, he was granted bail by the trial Court. He submits that the petitioner remained in De-addiction Centre at Barnala and thus, due to his health condition, he remained absent before the trial Court and hence his bail bonds were cancelled. He submits that the petitioner has taken the treatment and is ready to join the proceedings and abide by the terms and conditions of bail if granted. He submits that in the peculiar facts and circumstances and in the interest of justice, petitioner may kindly be granted only one opportunity.

Notice of motion to official respondent only.

On asking of the Court, Mr. Tarun Aggarwal, Sr. D.A.G.,

Punjab accepts notice on behalf of the respondent-State.



Learned State counsel has opposed the submissions made by learned counsel for the petitioner and has stated that the trial Court has rightly cancelled the bail granted of the petitioner who remained absent on 12.05.2023 without any valid reason.

After hearing counsel for the petitioner and perusing the record, it is apparent that the petitioner remained absent on 12.05.2023 and his bail was cancelled and bail bonds were forfeited to the State and non-bailable warrants were also issued for 07.07.2023. The petitioner is keen to join the proceedings. So keeping in view the abovesaid facts specially the health condition of the petitioner, the present petition is disposed of and the order dated 12.05.2023 (Annexure P-2) is *set aside*. In case, the petitioner appears and surrenders before the Court concerned within a period of 10 days from today and files an application for bail, the Court concerned is directed to admit him to bail subject to its satisfaction and proceed with the trial in accordance with law. He will have protection from arrest for a period of 10 days from today.

Needless to say that in case the petitioner will have no protection beyond the period of 10 days and in that even order dated 12.05.2023 would come in force.

(RAJESH BHARDWAJ)
JUDGE

09.07.2024
ps-I

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