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

CRM-M-32112-2024

Date of Decision: 09.07.2024

Parminderjit Singh @ Raja

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH**Present:** Mr. Manjinder Singh Saini, Advocate
for the petitioner.

Ms. Manjot Kaur, AAG, Punjab.

GURBIR SINGH, J. (ORAL)

Instant petition has been filed under Section 482 Cr.PC. seeking quashing of impugned order dated 30.05.2024 (Annexure P-3) passed by Ld. Judge, Special Court, Hoshiarpur whereby non-bailable warrant of the petitioner has been issued upon his non-appearance in case FIR No.75 dated 24.08.2023 under Section 22 (Section 29 of NDPS added later on) of the NDPS Act, registered at Police Station Mehtiana, District Hoshiarpur, Punjab (Annexure P-1).

Learned counsel for the petitioner submits that the petitioner is a taxi driver. He failed to appear before the trial Court on 30.05.2024 and his bail bonds and surety bonds were cancelled and forfeited to the State and his non-bailable warrant has been issued.

Notice of motion.

Ms. Manjot Kaur, AAG, Punjab accepts notice on behalf of the State. She has opposed the request on the ground that petitioner is misusing the concession of bail.

The order dated 30.05.2024 (Annexure P-3) is reproduced as under:-

“Accused Happy Kumar not produced by the jail authorities. Let production warrants of accused Happy Kumar be issued for 29.7.2024 to be produced in the court. Accused Parminderjit Singh has not appeared today neither any exemption application has been moved by his counsel. The perusal of file reveals that bail of accused Parminderjit Singh @ Raja was made absolute on 9.2.2024 by the Hon’ble High Court. Since accused Parminderjit Singh @ Raja has failed to turned up today in court. Therefore, bail bonds and surety bonds stands cancelled and forfeited to the State. Nonailable warrants of accused Parminderjit Singh @ Raja be issued for 29.7.2024. Notice to his surety and identifying witnesses be also issued.”

Since bail of the petitioner was not cancelled and same is intact so petitioner is entitled for grant of concession of bail on furnishing fresh bail bonds and surety bonds as and when he appears in the Court. Accordingly, petitioner is directed to surrender before the concerned Court within a period of 10 days from today. In case of doing so, he shall be released on bail on furnishing of fresh bail bonds and surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

The concerned Court shall give notice to the petitioner under Section 446 Cr.PC and after getting reply, shall pass an appropriate order regarding previous bail bonds/surety bonds.

Petition stands disposed of.

09.07.2024

Parveen kumar

**(GURBIR SINGH)
JUDGE**

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