



IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

Sr. No.123

CRM-M-32396-2024

Date of decision : 15.07.2024

TALWINDER SINGH ALIAS MITHU AND ANOTHER

..... Petitioners

VERSUS

STATE OF PUNJAB

..... Respondent

**CORAM: HON'BLE MS. JUSTICE KIRTI SINGH**

Present: Mr. G.S. Simble, Advocate, for the petitioners.

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**KIRTI SINGH, J. (Oral)**

The present petition has been filed under Section 482 Cr.P.C. for quashing the impugned order dated 08.05.2024 (Annexure P-5) vide which bail of the petitioners have been cancelled and bail bonds/surety bonds of the petitioners have been forfeited in case FIR No.138 dated 27.11.2020 under Sections 21/61 of Narcotics Drugs and Psychotropic Substances Act, 1985, and Section 25 of Arms Act registered at Police Station Qadian, Police District Batala, District Gurdaspur.

2. Learned counsel for the petitioners submit that the petitioners were granted concession of bail in afore-stated FIR by the learned trial Court and they were regularly appearing before the trial Court.

3. Learned counsel for the petitioners further submit that only on one occasion i.e. on 08.05.2024, the petitioners had inadvertently noted wrong date of hearing, hence they could not appear on the date fixed before the trial Court and thus, bail granted to them was cancelled by the trial Court

and the bail bonds/surety bonds were also cancelled and had issued the arrest



warrants against them. He also submits that non-appearance of the petitioners was unintentional. He submits that the petitioners are ready to appear before the trial Court and abide by all the terms and conditions as may be imposed upon them by the trial Court.

4. Notice of motion to the official respondents at this stage.

5. At asking of the Court, Mr. J.S. Dhaliwal, AAG Punjab, accepts notice on behalf of respondent-State.

6. Heard.

7. On hearing learned counsel for the petitioners and perusing the record, it is apparent that the petitioners were granted bail by the trial Court, however due to inadvertent mistake in noting the date of hearing, they could not appear before the trial Court on one date i.e. 08.05.2024 and on account of the same, their bail bonds/surety bonds were cancelled. The petitioners are ready to appear before the trial Court and face the trial.

8. This Court finds that no useful purpose will be served by sending the petitioner in custody when they were continuously appearing before the trial Court but could not appear only on one occasion. The reason for which they have given that they noted a wrong date and now they are ready to join the proceedings.

9. In view of the above, the present petition is allowed. Order dated 08.05.2024 (Annexure P-5) is hereby set aside subject to payment of cost of Rs.10,000/- each by the petitioners to be deposited with the Poor Patient Welfare Fund, PGIMER Chandigarh within four days from today. The petitioners after depositing the cost as stated above would appear before the trial Court within a week and file appropriate application along with



receipt of payment of cost. The trial Court would release the petitioners on bail on their furnishing fresh bail bonds to its satisfaction. No coercive action would be taken against the petitioners. In case, the petitioners failed to appear before the trial Court within a week or fails to deposit the cost as stated above, this order would be of no avail to the petitioners.

(KIRTI SINGH)  
JUDGE

15.07.2024  
Kavita Nain

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