



116 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-32783-2024
DECIDED ON: 12.07.2024

AKASH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Ajay Pal Singh Rehan, Advocate,
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court under Section 482 Cr.P.C. has been invoked seeking quashing of impugned order dated 22.05.2024 (Annexure P-3) passed by Judge, Special Court, Hoshiarpur in case FIR No. 98, dated 11.10.2023, under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 29 of NDPS Act, 1985, added subsequently) registered at Police Station Mehtiana, District Hoshiarpur, vide which the bail granted to the petitioner vide order dated 11.12.2023 (Annexure P-10) has been cancelled and non-bailable warrants of arrest have been issued against the petitioner.

2. It has been contended by learned counsel for the petitioner that it is the only isolated date i.e. 22.05.2024, on which the petitioner could not appear before the trial Court though he has been consistently appearing before it in furtherance of trial and is not at all intending to evade the process of law. He further contends that the said absence has taken place on account of the fact that the father of the petitioner was unwell and he had noted a wrong date. Due to his absence on 22.05.2024, his bail stands cancelled and bail/surety bonds were forfeited to the State and he was summoned through non-bailable warrants for 01.08.2024.



3. He undertakes that the petitioner will surrender before the trial Court and shall join the trial proceedings without any delay or default in future.
4. Notice of motion.
5. On the asking of the Court, Mr. Rajiv Verma, DAG, Punjab accepts notice on behalf of the respondent-State, who is not averse to the undertaking given by the petitioner that he will surrender before the trial Court.
6. In view of the above, the petitioner is directed to surrender before the trial Court within a period of two weeks from today and apply for regular bail.
7. In case, such an application for bail is moved by the petitioner before the learned trial Court, the same shall be considered on the same date and decided in accordance with law.
8. 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.
9. The aforesaid order/concession to the petitioner shall be subject to payment of costs of Rs.10,000/- to be deposited with the Punjab and Haryana High Court Bar Association, Chandigarh (Account No.65035682434, IFSC Code: SBIN0050306) 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.
10. The instant petition is disposed of in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

12.07.2024

Sham

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