



CRM-M-35118-2024

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

CRM-M-35118-2024

Date of Decision: 25.07.2024

Kuldeep Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Ms. Bhupinder K. Bhangu, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for quashing the impugned order dated 17.07.2024 (Annexure P-4) passed by the Court of learned Special Court, Kapurthala in case Number i.e NDPS-219- 2023 titled as "State of Punjab vs Mangal Singh @Manga etc." in FIR No. 0046 dated 26.05.2022 registered at Police Station Fattu Dyinga, Distt. Kapurthala under section 22/29/61/85 of NDPS Act, wherein the bail bonds and surety bonds of the petitioner has been cancelled and forfeited and non-bailable warrants of arrest have been issued against the petitioner.

2. It has been contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present FIR on the basis of disclosure statement made by the co-accused. She submits that petitioner was granted anticipatory bail on 16.02.2023 by the trial Court. She submits that the petitioner remained absent only on 17.07.2024 due to miscommunication with his counsel. She submits that on 17.07.2024 bail of the petitioner was cancelled and bail bonds were forfeited to the State and he was ordered to be summoned through non-bailable warrants. She submits



that absence of the petitioner was totally unintentional and due to the circumstances beyond his control. She further submits that the petitioner is ready to appear before the trial Court and join the proceedings and abide by all the terms and condition, if any imposed by this Court while granting him bail during trial

3. Notice of motion.

4. Mr. Tarun Aggarwal, Sr. DAG, Punjab accepts notice on behalf of the State.

5. Heard. After hearing learned counsel for the parties and perusing the record, it is evident that on 17.07.2024, the petitioner remained absent allegedly due to mis-communication with his counsel and his bail was cancelled and bail bonds/surety bonds were forfeited to the State. In these circumstances, when the petitioner is ready to join the proceedings and to face the trial, the order dated 17.07.2024 is set aside subject to payment of Rs.10,000/- as cost to be deposited with the Poor Patients' Welfare Fund, PGIMER, Chandigarh by the petitioner within a period of one week from today.

6. The petitioner is directed to appear before the trial Court within a period of 10 days from today and produce the receipt of abovesaid cost alongwith appropriate application and the trial Court would grant him bail during trial on his furnishing fresh bail/surety bonds to its satisfaction. The petitioner will have protection from arrest for a period of 10 days.

7. Needless to say that in case the petitioner fails to comply with the abovesaid direction, this order would be of no avail and the order dated 17.07.2024 will come in force.

8. The petition stands disposed of in above-said terms.

25.07.2024			(RAJESH BHARDWAJ)
sharmila			JUDGE
	Whether Speaking/Reasoned	:	Yes/No
	Whether Reportable	:	Yes/No