



125

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

CRM-M-36464-2024

Date of Decision: 31.07.2024

SHAMSHER SINGH ALIAS SANU

..... Petitioner

Versus

STATE OF HARYANA

..... Respondent

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present: Mr. Kuldeep Singh Siwach, Advocate for the petitioner.

Mr. Rupinder Singh Jhand, Addl. AG Haryana.

AMARJOT BHATTI, J.

1. Petitioner Shamsher Singh alias Sanu has filed petition under Section 482 of Cr.P.C. for quashing of order dated 27.05.2024, Annexure P-9 vide which bail of petitioner has been cancelled and his bail/surety bonds have been forfeited to State and to restore surety bonds of petitioner and to allow him to appear before trial Court in FIR No. 332 dated 03.12.2022 (wrongly mentioned in order as 03.12.2012), under Sections 21(b), 27A (Act No. 61) of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sadar Ratia, District Fatehabad, Annexure P-9.
2. Learned counsel for petitioner argued that petitioner was regularly appearing before the trial Court. He missed the date of hearing on 27.05.2024 due to wrong noting down of date, as a result, he was marked absent and impugned order dated 27.05.2024 has been passed, issuing his arrest warrants as well as notice to surety and identifier. Prior to this, he was regularly appearing in Court since the presentation of challan. He has placed on record all the interlocutory orders which are Annexures P-3 to P-9.
9. There was no intentional absence on his part. He is ready to face trial.

Therefore, impugned order may be set aside and he may be released on bail.

3. Notice of motion.

4. On asking of this Court, Mr. Rupinder Singh Jhand, Addl. AG Haryana accepts notice on behalf of State and has not disputed the factual position, as referred above.

5. I have considered the arguments. It cannot be ignored that present petitioner absented only on one date. It is claimed that he wrongly noted down the date of hearing, as a result, he absented before the trial Court. Considering previous conduct of petitioner, lenient view is taken. Accordingly, impugned order dated 27.05.2024, Annexure P-9 regarding cancellation of his bail/surety bonds and issuance of his arrest warrants as well as notice to surety and identifier are accordingly set aside. His bail bonds and surety bonds are accordingly restored with further direction to petitioner to appear before learned trial Court within 10 days from today to get his presence marked and to face trial as per law.

6. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

(AMARJOT BHATTI)
JUDGE

31.07.2024

lalit

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No