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

CRM-M-37221-2024

Date of decision:-13.09.2024

KAMAL KUMAR

....PETITIONER

Versus

STATE OF PUNJAB

....RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present: - Mr. Anmol Jindal, Advocate for the petitioner.

Mr. Ankit Grewal, DAG, Punjab.

SANJIV BERRY, J. (ORAL)

In compliance of the order dated 28.08.2024, learned trial Court has submitted its report dated 09.09.2024, the same is taken on record.

2. By way of present petition filed under Section 482 of Cr.P.C., the petitioner prays for quashing of the impugned order dated 21.05.2024 (Annexure P-4) whereby non-bailable warrants have been issued in FIR No. 66 dated 02.04.2023 under Sections 21 (b) of NDPS Act, registered at Police Station Jamalpur, Ludhiana.

3. It is, *inter alia*, contended by learned counsel for the petitioner that in compliance to the order passed by this Court on 02.08.2024 the petitioner has appeared before the learned trial Court.

4. This aspect is not disputed by learned State counsel.

5. During the course of hearing, following order was passed on



02.08.2024:-

“1. Learned counsel for the petitioner, inter alia, contends that after having been granted the concession of bail in case FIR (Annexure P-1), the petitioner had been regularly appearing in the trial Court in case titled ‘State Vs. Harsh Kumar Alias Maanu’ CIS No.NDPS/1183/2023 pending in the Court of learned Judge, Special Court, Ludhiana. However, on 21.05.2024, the petitioner could not appear in Court on account of being arrested in another case FIR No.70 dated 01.05.2019 as is evident from Annexure P-3. He submits that the absence of the petitioner was not intentional but was due to him being in custody in another case, as such, he seeks quashing of the impugned order. He submits that the petitioner is ready to join the proceedings and face the trial. He undertakes to appear in the trial Court on each and every date of hearing without fail.

2. Notice of motion.

3. On the asking of the Court Mr. Ankit Grewal, DAG Punjab accepts notice on behalf of respondent-State and does not dispute the factual matrix.

4. List on 28.08.2024.

5. In the meanwhile, petitioner is directed to appear before the Trial Court/Duty Magistrate concerned, within a period of 07 days from today. In that event, he is ordered to be admitted on interim bail on his furnishing personal/surety bonds to the satisfaction of the concerned Court/Duty Magistrate, however, subject to deposit of costs of Rs.5,000/- in the District Legal Services Authority, Ludhiana. The petitioner will also furnish a specific undertaking that in future he will appear on each and every date of hearing without fail and only in case of extreme exigency he will seek prior exemption from the Court in accordance with law.”

6. On 28.08.2024, following order was passed:-

“ Learned counsel for the petitioner submits that in compliance to the order dated 02.08.2024 passed by this Court, the petitioner has appeared before the learned Trial Court on 09.08.2024 and paid the costs as well as furnished the bail bonds. He has placed on record the copy of order dated 09.08.2024 passed by learned Judge, Special Court, Ludhiana. However, there is no mention of bail bonds furnished by the petitioner.



- 2. *Let specific report of learned Trial Court be called as to whether the petitioner has furnished the bail bonds in compliance to the order dated 02.08.2024.*
- 3. *The report of learned Trial Court be submitted on or before 13.09.2024.*
- 4. *Interim order to continue.”*

6. On perusal of the report dated 09.09.2024 of the learned trial Court, it transpires that bail or bail bonds of the petitioner were not cancelled but non-bailable warrants of the petitioner were issued only to secure his presence, therefore on 09.08.2024 bail bonds/surety bonds were not furnished by the accused.

7. Keeping in view the fact that the petitioner has already appeared in the Court in compliance of the orders dated 02.08.2024 and this fact has been verified in the report dated 09.09.2024 submitted by the learned trial Court, therefore, interim bail granted to the petitioner vide order dated 02.08.2024 is hereby confirmed, and the present petition is allowed and order dated 21.05.2024 (Annexure P-4), passed by learned Judge, Special Court, Ludhiana, qua for issuance of the non bailable warrants of the petitioner is hereby set aside.

8. Petition stand disposed of.

(SANJIV BERRY)
JUDGE

13.09.2024

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |