



121

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

**CRM-M No.38358 of 2024
Date of decision : 08.08.2024**

Hardol Kumar Rajput @ Bawa @ Hardaul Kumar

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Daman Jeet Bhorawal, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for setting aside of impugned order dated 18.07.2024 (Annexure P-8) passed by Ms. Amita Singh, Judge, Special Court, Bathinda whereby bail orders of the petitioner has been cancelled and his bail bonds and surety bonds are ordered to be cancelled and forfeited to State in case titled as State of Punjab vs. Hardol Kumar Rajput @ Baba bearing number NDPS/160/2023 in FIR No.275, dated 09.11.2022, under Section 21(b) of NDPS Act, 1985 registered at Police Station City Malout, District Shri Muktsar Sahib (Annexure P-1). Further prayer has been made that petitioners be granted an opportunity to join the trial Court proceedings fixed for 05.11.2024 as petitioner is ready and willing to surrender and furnish fresh bail bonds and surety bonds before the trial Court.

2. It has been contended by counsel for the petitioner that the petitioner was regularly appearing before the trial Court. However, on one date i.e. on 18.07.2024, he noted the wrong date i.e. 19.07.2024 instead of



actual date of hearing i.e. 18.07.2024 and remained absent from the Court as a result his bail order was cancelled. He further submits that his bail bonds/surety bonds will also cancelled and forfeited to the State and non bailable warrants of arrest were issued for 05.11.2024. He submits that the petitioner has no criminal antecedents and he is ready to join the proceedings and abide by the terms and conditions of bail.

3. Notice of motion.

4. On asking of the Court, Mr. J. S. Arora, DAG, Punjab appears and accepts notice on behalf of the respondent-State.

5. Learned State counsel has opposed the submissions made by learned counsel for the petitioner and has stated that the trial Court has rightly cancelled the bail granted to the petitioner who remained absent on 18.07.2024 without any valid reason.

6. After hearing counsel for the parties and perusing the record, it is apparent that the petitioner remained absent on one day i.e. on 18.07.2024 and his bail was cancelled and bail bonds/surety bonds were forfeited to the State and non-bailable warrants of arrest were issued for 05.11.2024. The reason for his absence as given by the petitioner is that he noted the wrong date i.e. 19.07.2024 instead of 18.07.2024. The petitioner is keen to join the proceedings. So keeping in view the abovesaid facts, the present petition is disposed of and the order dated 18.07.2024 is *set aside* subject to payment of Rs.10,000/- as costs to be deposited in the Poor Patients' Welfare Fund, PGIMER, Chandigarh by the petitioner within one week from today. In case, the petitioner appears and surrenders before the Court concerned within a period of 10 days from today and files an appropriate application alongwith receipt of abovesaid costs, the



Court concerned is directed to admit him to bail subject to its satisfaction and proceed with the trial in accordance with law. He will have protection from arrest for a period of 10 days from today.

7. Needless to say that in case the petitioner fails to comply with the abovesaid direction, he will have no benefit of abovesaid protection granted by this Court and order under challenge dated 18.07.2024 would come in force.

08.08.2024
rittu

(RAJESH BHARDWAJ)
JUDGE

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