



CRM-M-41003-2023

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

CRM-M-41003-2023

Date of decision: 12.09.2024

UMESH KUMAR

....Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Hritik Gupta, Advocate for
Mr. Amit Choudhary, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, DAG Haryana.

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SANJIV BERRY, J. (ORAL)

The instant petition under Section 482 Cr.P.C. has been moved by the petitioner seeking quashing of the order dated 14.07.2023 (Annexure P-1) passed by learned Special Judge under NDPS Act, Fatehabad, whereby the bail of the petitioner was cancelled and bail bonds/surety bonds were ordered to be forfeited to the State.

2. Learned counsel for the petitioner *inter alia* contends that in compliance of the order dated 21.08.2023, petitioner appeared before the learned trial Court on 25.08.2023 and furnished requisite bail bonds, surety bonds and placed on record copy of order dated 25.08.2023 passed by learned Special Judge under NDPS Act, Fatehabad. He contends that since



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the petitioner has joined the trial Court proceedings, as such the order dated 14.07.2023 (Annexure P-1) passed by learned Special Judge under NDPS Act, Fatehabad whereby the bail of the petitioner was cancelled and bail bonds/surety bonds were ordered to be forfeited to the State, be quashed.

3. Learned State counsel has not disputed the aforesaid factual matrix of the case and submits that petitioner appeared on 25.08.2023 before the learned trial Court and furnished requisite bail bonds.

4. Heard.

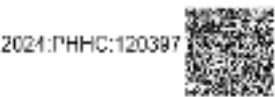
5. During the course of the proceedings, following order was passed on 21.08.2023:-

“ The present petition under Section 482 Cr.P.C. has been filed seeking quashing of the impugned order dated 14.07.2023 (Annexure P-1) passed by learned Special Judge, under Narcotic Drugs and Psychotropic Substances Act, 1985, Fatehabad.

2. It is, inter alia, contended by learned counsel for the petitioner that the petitioner, after having been granted bail in the case FIR No. 281 dated 04.12.2022 under Sections 15 of Narcotic Drugs and Psychotropic Substances Act, 1985, had been regularly appearing in the Court as is evident from the order Annexure P-4 and Annexure P-5. However, on 14.07.2023, due to heavy rains in the area, none of the accused in the case could appear in the trial Court. Learned counsel for the petitioner further submits that since the application for exemption had been moved by the coaccused through counsel, the same was allowed by learned Court, but in the case of petitioner, his counsel could not appear in the Court leading to cancellation of the bail and passing of the impugned order. He further submits that if granted concession of bail, the petitioner would regularly appear on each and every date.

3. Notice of motion.

4. On the asking of the Court, Ms. Gaganpreet Kaur, DAG,



Haryana, who is present in Court, accepts notice on behalf of the respondent-State.

5. In the meanwhile, the petitioner is directed to appear before the learned trial Court within seven days from today and in that event, he is ordered to interim bail on his furnishing personal/surety bonds to the satisfaction of the concerned Court. He shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.

6. The petitioner shall also furnish a specific undertaking before the trial Court that in future, he would be regularly appearing before the concerned Court on each and every date and in case of some exigency, he will seek prior permission of the concerned Court qua his exemption to appear on the date fixed. 7. Adjourned to 14.09.2023.

6. Keeping in view the fact that the petitioner has already appeared on 25.08.2023 before the learned trial Court and furnished requisite bail/surety bonds consequent to the order dated 21.08.2023, passed by this Court, the present petition is allowed and order dated 14.07.2023 (Annexure P-1), passed by learned Special Judge under NDPS Act, Fatehabad, whereby the bail of the petitioner was cancelled and bail bonds/surety bonds were ordered to be forfeited to the State is hereby set aside and the interim bail granted vide order dated 21.08.2023 is hereby confirmed.

7. The petition stands disposed of.

12.09.2024
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(SANJIV BERRY)
JUDGE

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