



CRM-M-40393-2024

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

CRM-M-40393-2024

Date of Decision: 21.08.2024

Lakhbir Singh @ Lakhvir Singh @ Lakhi Petitioner

Versus

State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Mr. Vinod Pundir, Advocate for
Malhar Singh Dhami, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for quashing of the impugned order dated 31.07.2024 (Annexure P-5) (FIR No.246 dated 30.08.2023, registered under Sections 22/29-61-85 NDPS Act, at Police Station Tanda, District Hoshiarpur) passed by learned Additional Sessions Judge, Hoshiarpur in CIS No.NDPS/235/2024 titled as State of Punjab vs. Tarsem Lal etc. to the extent of cancelling and forfeiting the bail bonds and surety bonds of the petitioner and issuance of non-bailable warrants of arrest 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. He submits that neither there was any recovery effected from the petitioner nor he was arrested on the spot. He submits that he was implicated in the present case only on the basis of the disclosure statement of the co-accused. He further submits that the petitioner was granted anticipatory bail by this Court on 31.01.2024 and thereafter, he was regularly appearing before the Court. He submits that however, he remained absent only on one date due to



unavoidable circumstances and on account of the same, his bail was cancelled and bail bonds were forfeited to the State and he was ordered to be summoned through non-bailable warrants. He submits that absence of the petitioner was totally unintentional and due to the circumstances beyond his control. He further submits that the petitioner is ready to appear before the trial Court and join the proceedings and also abide by all the terms and condition, if any imposed by the Court.

3. Notice of motion.

4. Mr. Tarun Aggarwal, Sr. DAG, Punjab accepts notice on behalf of the State. He has submitted that the bail bonds/surety bonds of the petitioner were rightly forfeited by the State as he had failed to appear in the Court on the date fixed.

5. After hearing learned counsel for the parties and perusing the record, it is evident that on 31.07.2024, the petitioner remained absent on account of unavoidable circumstances and due to his non-appearance, 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 31.07.2024 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 10 days from today.

7. The petitioner is directed to appear before the trial Court on 10.09.2024, the date already fixed before it and produce the receipt of abovesaid cost and file appropriate application and the trial Court would

grant him bail on his furnishing fresh bail/surety bonds to its satisfaction.
The petitioner will have protection from arrest till 10.09.2024.

8. 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
31.07.2024 will come in force.

21.08.2024			(RAJESH BHARDWAJ)
sharmila			JUDGE
	Whether Speaking/Reasoned	:	Yes/No
	Whether Reportable	:	Yes/No