



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-41946-2024
DATE OF DECISION: 29.08.2024

SANDEEP KUMAR ALIAS ANU ...PETITIONER

Versus

STATE OF PUNJAB ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. R.K. Bajaj, Advocate for the petitioner(s).

 Mr. J.S. Rattu, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

This petition has been filed under Section 482 Cr.P.C. for quashing of the impugned order dated 02.07.2024 (P/3) passed by Addl. District and Sessions Judge, arising out of FIR No.143 dated 11.06.2021 under Section 21/29/61/85 of NDPS Act has been registered at Police Station No. 8, District Jalandhar, which Non-Bailable Warrant has been issued against the present petitioner due to non-appearance and the bail bonds and surety bonds of the petitioner has been cancelled and forfeited to State, along with all the subsequent/incidental proceedings arising there from.

Learned counsel for the petitioner submits after granting the concession of regular bail, the petitioner kept present on each and every date, however, on one date i.e. 02.07.2024, the petitioner could not appear due to the indisposed of his wife as she is in advance family way for the last eight month and the petitioner appeared after lunch and



informed the reason for non appearance of first half but he was told that the non-bailable warrants have been issued against him and bail bonds and surety bonds were cancelled by the Trial Court and the impugned order dated 02.07.2024 was passed against the petitioner. He further submits that he did not had any intention to avoid attendance in the Court proceedings otherwise he was appearing regularly on each and every date before the Court. He undertakes that the petitioner will surrender before the trial Court and shall join the trial proceedings without any delay or default in future.

Notice of motion.

On the asking of the Court, learned State Counsel accepts notice on behalf of the respondent-State, who is not averse to the undertaking given by the petitioner that he will surrender before the trial Court and will appear without any default during the course of the proceedings to facilitate culmination of the trial.

Considering the submissions made by learned counsel and also in appreciation of the fact that it will only speed up the proceedings before the Trial Court which is one of the essence as enshrined under Article 21 of the Constitution of India, the petitioner is directed to surrender before the trial Court within a period of ten days from the receipt of certified copy of this order and apply for regular bail.

In case, such an application for bail is moved by the petitioner before the learned trial Court, the same shall be considered on the same date and decided in accordance with law.

However, it is made clear that in case the petitioner does not abide by the aforesaid undertaking, the respondent/State shall be at



liberty to move an appropriate application for revival of the instant petition.

The aforesaid order/concession to the petitioner shall be subject to payment of costs of Rs.10,000/- to be deposited with the Punjab and Haryana High Court Bar Clerk Association, Chandigarh and a receipt of the same be produced before the Trial Court and only in that eventuality, application of the petitioner for seeking bail be considered and decided on the same day in accordance with law.

Consequently, the impugned order dated 02.07.2024 (P/3) passed by Addl. District and Sessions Judge is set aside and the instant petition is disposed of in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

29.08.2024
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No