

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

CRM-M-40991-2024

Date of Decision: 23.08.2024

Sandeep Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Sukhbir Maandi, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for quashing of the impugned orders dated 05.12.2023 (Annexure P-7) & 30.03.2024 (Annexure P-8) passed by learned Judge Special Court, Amritsar in a case FIR No.83, dated 27.06.2019, registered under Section 22 of NDPS Act, 1985, at Police Station Tarsikka, District Amritsar (Rural), whereby, learned trial Court issued non-bailable warrants 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 and the recovery of contraband which falls under the category of non-commercial quantity. He submits that the petitioner was granted bail by learned trial Court on 09.08.2019 and thereafter, he was regularly appearing before the Court. He further submits that due to miscommunication with his counsel, the petitioner remained absent and 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 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 05.12.2023 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 07 days from today.
7. The petitioner is directed to appear before the trial Court within a period of 10 days from today 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 for 10 days from today.
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 05.12.2023 will come in force.

23.08.2024
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Whether Speaking/Reasoned
Whether Reportable

(RAJESH BHARDWAJ)
JUDGE

: Yes/No
: Yes/No