



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

330

CRM-M-41839-2024 (O&M)
Date of Decision:- 18.09.2024

BALJINDER SINGH ALIAS JINDRI

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Ram Kumar Saini, Advocate for the petitioner.

Mr. Jatinder Pal Singh, Sr. DAG Punjab.

SANJIV BERRY, J. (ORAL)

By way of present petition preferred under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioner has sought quashing of impugned order dated 04.04.2024 (Annexure P-6) passed by the Court of learned Judge, Special Court, Moga, whereby the bail granted to the petitioner was cancelled and non-bailable warrants of arrest had been issued against the petitioner in case FIR No.238 dated 03.11.2022 registered under Sections 21 and 29 of the NDPS Act at Police Station City Moga, District Moga.

2. Learned counsel for the petitioner has submitted that in compliance to the order dated 29.08.2024 passed by this Court, the petitioner has appeared in the Court and furnished his requisite bail bonds. He has placed on record copy of the order dated 04.09.2024 passed by learned



Additional Sessions Judge, Moga, whereby the petitioner has been admitted on interim bail by the learned trial Court.

3. Learned State counsel has not disputed the aforesaid factum.
4. Heard.
5. During the course of proceedings on 29.08.2024, the following order was passed.

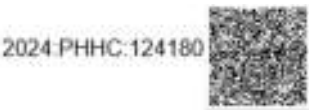
1. *Learned counsel for the petitioner inter alia contends that after having been granted the concession of bail by this Court in case FIR (Annexure P-1), the petitioner had been regularly appearing in the Court. However, on 07.03.2024, the petitioner could not appear in the trial Court due to the fact that he had to appear in another case before the learned Judicial Magistrate First Class, Fatehgarh Sahib. In this regard, learned counsel refers to Annexure P-5, wherein the presence of the petitioner is marked. He submits that counsel appearing on behalf of the petitioner did not convey the date fixed in the trial Court to be 04.04.2024, resulting in cancellation of his bail and issuance of non-bailable warrant of arrest vide impugned order dated 04.04.2024 (Annexure P-6). He submits that the absence of the petitioner was not intentional and undertakes to regularly appear in Court on each and every date of hearing without fail.*

2. *Notice of motion.*

3. *On the asking of the Court, Mr. Adesh Pal Singh, AAG Punjab on instructions from ASI Ajit Singh accepts notice on behalf of respondent-State and has not disputed the factual matrix.*

4. *List on 18.09.2024.*

5. *In the meanwhile, petitioner is directed to appear before the Trial Court/Duty Magistrate concerned, within a period of 07 days from today. In that event, he is ordered to be admitted on interim bail on his furnishing personal/surety bonds to the satisfaction of the concerned Court/Judge on Duty. The petitioner is burdened to deposit costs of ₹10,000/- with the District Legal Services Authority, Moga. The petitioner will also furnish a specific undertaking that in future he will appear on each and every date of hearing without fail and only in case of extreme exigency he will seek prior*



exemption from the Court in accordance with law.”

- 6. Keeping in view the fact that the petitioner has already appeared in the Court and furnished his requisite bail/surety bonds consequent to the order dated 29.08.2024 passed by this Court, the present petition is allowed. The order dated 04.04.2024 (Annexure P-6) passed by the Court of learned Judge, Special Court, Moga is set aside and the interim bail granted vide order dated 29.08.2024 is hereby confirmed.
- 7. The petition stands allowed.
- 8. Pending applications, if any, shall also stand disposed of.

(SANJIV BERRY)
JUDGE

18.09.2024
S.Sharma(syr)

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