

CRM-M-42389-2024

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

CRM-M-42389-2024

Date of Decision: 30.08.2024

Lalan Kumar

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

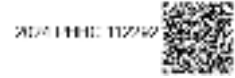
Present: Mr. Hardik Ahluwalia, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for quashing of the impugned order dated 04.07.2024 (Annexure P-4) passed by learned Additional Sessions Judge, Fatehgarh Sahib, vide which, the regular bail granted to the petitioner vide order dated 16.08.2022 in FIR No.16, dated 25.07.2022, registered under Section 20 of NDPS Act, 1985 at Police Station GRP Sirhind, District Govt. Railway Police, stands cancelled, surety bonds were ordered to be forfeited and warrants were issued 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 further submits that the petitioner was granted regular bail by the trial Court on 16.08.2022 and thereafter, he was regularly appearing before the Court. He submits that the petitioner is a migrant labourer and was away to other place for doing labour work due to which he could not track the next date of hearing in the present case and remained absent only on one date i.e. 04.07.2024 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 to the State as he had failed to appear in the Court on the date fixed without any reasonable cause.
5. After hearing learned counsel for the parties and perusing the record, it is evident that on 04.07.2024, the petitioner remained absent on account of his being out station due to his labour work and because of 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 04.07.2024 is set aside.
6. The petitioner is directed to appear before the trial Court within a period of 10 days 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 a period of 10 days from today.
7. 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 04.07.2024 will come in force.

30.08.2024

sharmila

(RAJESH BHARDWAJ)

JUDGE

Whether Speaking/Reasoned

:

Yes/No

Whether Reportable

:

Yes/No