

2024:PHHC:115050



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

**CRM-35057-2024 in/and
CRM-M-43037-2024
Date of Decision : 04.09.2024**

RUPINDER SINGH ALIAS PINDUApplicantPetitioner

VERSUS

STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Vikas Sharma, Advocate,
for the applicant/petitioner.

Mr.Pardeep Bajaj, DAG, Punjab.

**KULDEEP TIWARI, J.(Oral)
CRM-35057-2024**

1. Leave granted.

CRM-M-43037-2024

2. The present petition has been filed seeking quashing of impugned order dated 22.04.2024 (Annexure P-4), whereby, the bail of the petitioner has been cancelled, and bail bonds/surety bonds have been forfeited to the State, and his non-bailable warrants have been issued, by the learned Judge, Special Court, SBS Nagar, in case FIR No.247, dated 21.12.2020, under Section 21/61/85 of the NDPS Act, 1985, registered at Police Station City Nawansher, District SBS Nagar (Annexure P-1).

3. In asking for the relief (*supra*), learned counsel for the petitioner submits that the petitioner was earlier released on regular bail

vide order dated 22.01.2021 (Annexure P-2), and since then he was regularly appearing before the learned trial Court concerned. Whereas, owing to non-appearance on one date, the learned trial Court concerned, proceeded to cancel his bail bonds, and non-bailable warrants were issued against the present petitioner to secure his presence.

4. Though learned counsel for the petitioner, made endeavour to throw challenge to the impugned order (*supra*), however, he is unable point out any illegality or perversity in the said order passed.

5. Faced with the above difficulty, learned counsel for the petitioner submits that the petitioner is ready and willing to face the trial, and is ready to surrender before the learned trial Court concerned, in case an adequate protection is granted to him.

6. Notice of motion.

7. Mr.Pardeep Bajaj, DAG, Punjab, accepts notice on behalf of respondent-State and opposes the grant of relief (*supra*), to the present petitioner.

8. This Court has heard the learned counsel for both the parties concerned, and has gone through the entire case file.

9. Since an innocuous and a *bona fide* prayer has been made by learned counsel for the petitioner, without going into the legality or illegality of the impugned order, this Court directs the petitioner to surrender before the learned trial Court concerned within 10 days from today.

10. In case the petitioner surrenders before the learned trial Court concerned, within a stipulated time and furnishes fresh bail and

surety bonds, the same shall be accepted by the learned trial Court concerned, however, subject to its satisfaction, and the petitioner shall be released on regular bail.

11. In the meanwhile, the arrest of the petitioner shall remain stayed. However, the passing of this order would not impede the trial court to proceed as per Section 446 of Cr.P.C. against the surety.

12. However, in case, the petitioner fails to surrender before the learned trial Court concerned within 10 days from today, the protection granted hereinabove, *qua* his arrest shall *ipso facto* vacated, without any further reference to this Court.

13. **Disposed of accordingly.**

September 04, 2024

dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No

Whether Reportable. : Yes/No