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

CRM-M-44133-2024

Date of decision: 06.09.2024

Kawaljit Singh and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. S.S. Bedi, Advocate and
Mr. Inder Preet Singh, Advocate for the petitioners.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioners under Section 482 Cr.P.C. seeking quashing of order dated 03.08.2024 Annexure P-2 passed by the Court of Additional Sessions Judge, Amritsar whereby, the learned trial Court issued non bailable warrants of petitioners on account of their absence on the date fixed before the trial Court in the criminal case having FIR No. 16 dated 17.01.2013, under Sections 21, 61, 85 NDPS Act and Sections 420, 467, 468, 471 IPC, Police Station Jandiala, Amritsar.

2. Counsel for the petitioners submits that the petitioners were granted regular bail and thereafter, the petitioner were regularly appearing in the trial Court but due to some unavoidable circumstances, they failed to appear in the trial Court on 03.08.2024 and consequently, the impugned order Annexure P-2 was passed by the trial Court in a hasty manner, without taking into consideration the fact that this was the single default on the part of the petitioners. Counsel for the petitioners further submits that



petitioners are ready to join the proceedings before the trial Court at the earliest to avoid any further delay in trial.

3. Notice of motion.

4. Mr. J.S. Dhaliwal, AAG, Punjab, accepts notice on behalf of the State and submits that on 03.08.2024, the petitioners failed to appear before the trial Court and consequently, the impugned order was passed in accordance with law by the said Court.

5. It is not disputed that prior to passing of the impugned order, the petitioners were on regular bail granted by the Court concerned and it appears to be the first default on the part of the petitioners. Further, the case is relating to recovery of non commercial quantity of contraband.

6. In light of the above, without expressing any opinion on the merits of the case, the present petition is hereby disposed of with direction to the petitioners to appear before the learned trial Court within next 10 days and on his doing so, the petitioners are directed to be released on regular bail to the satisfaction of the said Court subject to cost of Rs.5000/- each to be deposited by the petitioners with District Legal Services Authority, concerned.

7. The present petition stands disposed of in aforesaid terms.

06.09.2024

Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No