



CRM-M-43371-2024

1

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-43371-2024

Date of decision : September 05, 2024

Sukhwant Singh @ Sukha

....Petitioner

VERSUS

The State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Lovish Rattan, Advocate, for the petitioner
Mr. Pardeep Bajaj, DAG, Punjab

KULDEEP TIWARI,J. (ORAL)

1. The present petition has been filed seeking quashing of impugned order dated 16.4.2024 (Annexure P-4) passed by the learned Judge, Special Court, Amritsar, whereby, the bail and surety bonds of the petitioner has been cancelled and non-bailable warrants has been issued in case FIR No. 115, dated 15.7.2020, registered under Sections 21,61,85 of the NDPS Act and under Section 29 of the NDPS Act, added later on, at Police Station Majitha, District Amritsar.

2. In asking for the relief (*supra*), learned counsel for the petitioner submits that the petitioner was earlier released on regular bail, and since then the petitioner was regularly appearing before the learned trial Court concerned, whereas, owing to non-appearance on dated 16.4.2024, the learned trial Court concerned, proceeded to cancel his bail

**CRM-M-43371-2024****2**

bonds, and non-bailable warrants were issued against the present petitioner to secure his presence.

3. He further submits that petitioner has no intentions to challenge the legality of the order (*supra*), passed by this Court, however, the petitioner is ready and willing to face the trial, and is ready to surrender before the learned trial Court concerned, in case adequate protection is granted to him.

4. *Per contra*, learned State counsel opposes the grant of relief (*supra*), to the present petitioner.

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

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

7. 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.

8. In the meanwhile, the arrest of the petitioner shall remain stayed.

9. However, in case, the petitioner fails to appear before the



CRM-M-43371-2024

3

learned trial Court concerned within 10 days from today and furnish bail and surety bonds, the protection granted hereinabove, *qua* his arrest shall *ipso facto* vacated, without any further reference to this Court.

10. 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.

11. **Disposed of accordingly.**

September 05, 2024

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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned ? *Yes/No*
Whether Reportable ? *Yes/No*