



128 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-45295-2024
Date of decision : 12.09.2024

LovePetitioner
versus
State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Munish Gulati, Advocate for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for setting aside the order dated 22.04.2024 passed by the learned Judge, Special Court, Ferozepur (Annexure P-8) in case FIR No.009 dated 09.01.2023 under Section 21 of NDPS Act, registered at Police Station Special Task Force, Phase 4 Mohali, District Mohali (Annexure P-1) by which non-bailable warrants have been issued for procuring the presence of the petitioner. Further prayer has been made to allow the petitioner to join the proceedings before the Ld. Judge, Special Court, Ferozepur and for stay of arrest of the petitioner.
2. It has been contended by counsel for the petitioner that in the above said case the petitioner was on bail and was regularly appearing before the trial Court. However, on 22.04.2024, he remained absent as he could not arrange the surety for furnishing Surety Bonds and as a result thereof his bail order was cancelled and non-bailable warrants were issued against him. He submits that the petitioner has no criminal antecedents and he is ready to join the proceedings and abide by the terms and conditions of bail.
3. Notice of motion to official respondent only.

4. On asking of the Court, Mr. Tarun Aggarwal, Sr. D.A.G.,



Punjab accepts notice on behalf of the respondent-State.

5. Learned State counsel has opposed the submissions made by learned counsel for the petitioner and has stated that the trial Court has rightly cancelled the bail granted to the petitioner who remained absent on 22.04.2024 without any valid reason.

6. After hearing counsel for the petitioner and perusing the record, it is apparent that the petitioner remained absent on 22.04.2024 and his bail order was cancelled and he was ordered to served through non-bailable warrants. The reason for his absence has been given that he could not arrange the surety for furnishing surety bonds. Now the petitioner is keen to join the proceedings. So keeping in view the abovesaid facts, the present petition is disposed of and the order dated 22.04.2024 is *set aside*. In case, the petitioner appears and surrenders before the Court concerned within a period of 10 days from today and files an application for bail, the Court concerned is directed to admit him to bail subject to its satisfaction and proceed with the trial in accordance with law. He 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, he will have no benefit of abovesaid protection granted by this Court and order under challenge dated 22.04.2024 would automatically come in force and the present petition shall be deemed to have been dismissed.

12.09.2024

ps-I

(RAJESH BHARDWAJ)

JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No