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

CRM-M-45416-2024

Date of Decision: September 12, 2024

RAJVIR SINGH @ BINDI**....Petitioner(s)****VERSUS****STATE OF PUNJAB****....Respondent(s)****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Amaninder Singh Sekhon, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J.(ORAL)

This petition has been filed by the petitioner under Section 528 Bhartiya Nagrik Suraksha Sanhita, 2023, for quashing of/setting aside of order dated 27.05.2024 and 06.07.2024 (Annexures P-1 & P-2 respectively) passed by Judge, Special Court, Ferozepur in case No.NDPS-519-2023 titled as *State vs. Rajvir Singh* whereby Judge, Special Court, Ferozepur has cancelled and forfeited bail and surety bonds and issued proclamation of the petitioner without giving an opportunity to be heard in case FIR No.119 dated 06.10.2022 under Section 21 of the NDPS Act, 1985, registered at Police Station Lakho Ke Behram, District Ferozepur.

Learned counsel for the petitioner submits that the petitioner could not appear in Court on one date i.e. 27.05.2024 as he had gone to Andhra Pradesh. Thereafter, his bail and surety bonds were cancelled, but while passing the order dated 27.05.2024 and 06.07.2024 (Annexures P-1 and P-2) the trial Court has not followed the due procedure as prescribed

under law and straightway issued proclamation. He did not had any intention



to avoid attendance in the Court proceedings otherwise he was appearing regularly on each and every date before the Court. He undertakes that the petitioner will surrender before the trial Court and shall join the trial proceedings without any delay or default in future.

Notice of motion. On the asking of the Court, learned State Counsel accepts notice on behalf of the respondent-State, who is not averse to the undertaking given by the petitioner that he will surrender before the trial Court.

Considering the submissions made by learned counsel and also in appreciation of the fact that it will only speed up the proceedings before the Trial Court which is one of the essence as enshrined under Article 21 of the Constitution of India, the petitioner is directed to surrender before the trial Court within a period of one week from today and apply for regular bail.

However, it is made clear that in case the petitioner does not abide by the aforesaid undertaking, the respondent/State shall be at liberty to move an appropriate application for revival of the instant petition.

Application, if any preferred by the petitioner shall be considered and decided on the same day in accordance with law.

The instant petition is disposed of in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

12.09.2024
Sangeeta

Whether reasoned/speaking: Yes/No
Whether reportable: Yes/No