



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

125+387

CRM-M-45688-2024 (O&M)

Date of decision: 07.11.2024

MUKHTYAR SINGH ALIAS MUKHTIAR SINGH

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Mikhail Kad, Advocate for
Mr. Ashdeep Singh, Advocate for the petitioner(s).

Mr. Ramender Singh Chauhan, AAG Haryana.

SANJIV BERRY. J. (Oral)

CRM-44098-2024

For the reasons stated in the application, same is allowed. Annexure P-4 is taken on record subject to all just exceptions.

CRM-M-45688-2024

By way of present petition preferred under Section 528 of BNSS, 2023 the petitioner has sought quashing of impugned order dated 27.03.2024 (Annexure P-3) passed by the Court of learned Special Judge under NDPS Act, Fatehabad, whereby the bail of the petitioner was cancelled and non-bailable warrants of arrest were issued against the petitioner in case FIR No.115 dated 10.05.2022 registered under Sections 21(b), 27A, 31 of the NDPS Act at Police Station Sadar Tohana, District Fatehabad.

2. Learned counsel for the petitioner has submitted that in compliance to the order dated 13.09.2024 passed by this Court, the petitioner has appeared in the Court and furnished his requisite bail bonds. He has placed on record copy of the

order dated 17.09.2024 (Annexure P-4) whereby the petitioner has been admitted on interim bail by the learned trial Court.

3. Learned State counsel has not disputed the aforesaid factum.
4. Heard.
5. During the course of proceedings on 13.09.2024, the following order was passed.

“3. It is, inter alia, contended by learned counsel for the petitioner that the petitioner was granted concession of bail in the above said FIR and had been regularly appearing before the learned Trial Court but on 27.03.2024, he could not appear in the Court on account of viral fever and this fact could not be brought to the notice of the counsel to move an application for exemption before the learned Court concerned. In the meanwhile, learned Trial Court proceeded to pass the impugned order (supra), cancelling his bail and forfeited the bail/surety bonds and directed to secure the presence of the petitioner through warrants of arrest. He further contends that now the case is fixed for 30.09.2024 before the learned Trial Court.

4. It is further contended by learned counsel for the petitioner that the absence of the petitioner was not intentional and the petitioner is ready to appear before the learned Trial Court and face the trial along with an undertaking that the petitioner will regularly appear before the learned Trial Court on each and every date of hearing, without fail, and will seek prior exemption in case of extreme exigency.

5. Notice of motion.

6. On the asking of the Court, Mr. Ramender Singh Chauhan, AAG, Haryana, who is present in Court, accepts notice and does not dispute the factual matrix of the case.

7. Keeping in view the above facts and circumstances, the petitioner is directed to appear before the learned Trial Court/Judge on duty within 07 days from today and in that event, learned Trial Court/Judge on duty will admit the petitioner on interim bail subject to its satisfaction on his furnishing surety/bail bonds.

8. The petitioner shall also furnish a specific undertaking before the learned Trial Court/Judge on duty that, in future, he would be regularly appearing before the concerned Court on each and every date and in case of some exigency, he will seek prior permission of the concerned Court qua his exemption to appear on the date fixed.

9. List on 27.09.2024.”

6. Keeping in view the fact that the petitioner has already appeared in the Court and furnished his requisite bail/surety bonds consequent to the order dated 13.09.2024 passed by this Court, the present petition is allowed. The order dated 27.03.2024 (Annexure P-3) passed by the Court of learned Judge, Special Court, Fatehabad is set aside and the interim bail granted vide order dated 13.09.2024 is hereby confirmed.
7. The petition stands allowed.
8. Pending applications, if any, shall also stand disposed of.

(SANJIV BERRY)
JUDGE

07.11.2024
S.Sharma(syr)

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/ No