



CRM-M-45599-2024 (O&M)

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

CRM-M-45599-2024 (O&M)

Date of Decision:- 20.09.2024

Gurmukh Singh @ Gora

....Petitioner

Vs.

State of Punjab

....Respondent

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Rajesh K. Dadwal, Advocate
for the petitioner.

Mr. Kewal Singh, Addl. A.G. Punjab.

AMARJOT BHATTI, J.**CRM-37900-2024**

This is an application filed under Section 482 Cr.P.C. for placing on record copies of all the orders passed during trial by the Court of Judicial Magistrate Ist Class, Hoshiarpur in FIR No. 241 dated 18.09.2022 under Section 21 of NDPS Act, 1985, registered at Police Station Model Town, District Hoshiarpur as Annexures P-4 to P-11.

For the reasons enumerated in application, same is allowed. Accompanying documents Annexures P-4 to P-11 are taken on record, subject to all just exceptions.

CRM stands accordingly, allowed.

**Main case**

1. Petitioner Gurmukh Singh @ Gora has filed petition under Section 482 Cr.P.C. for quashing of order dated 23.05.2024 (Annexure P-3) passed by learned Judicial Magistrate Ist Class, Hoshiarpur in FIR No. 241 dated 18.09.2022, under Section 21 of NDPS Act, 1985, registered at Police Station Model Town, District Hoshiarpur, whereby his bail bond and surety bond have been cancelled due to his non-appearance.

2. Learned counsel for petitioner pointed out that after presentation of challan and framing of charges against petitioner, he was regularly appearing before the trial Court. In-fact, prosecution witnesses were not appearing in his case. On 26.04.2024, due to some family problem, petitioner could not reach in the morning at 10 AM before the Court and he reached after lunch and at that time, Court had adjourned his case for 23.05.2024. On 23.05.2024 also, there was some family problem and he could not reach in Court, as a result, his bail bond and surety bond were cancelled. He has placed on record copy of order dated 23.05.2024 as Annexure P-3. There was no intentional absence on the part of present petitioner. He could not appear in Court due to some family problem.

3. Notice of motion.

On asking of this Court, Mr. Kewal Singh, Addl. A.G. Punjab accepts notice on behalf of State.

4. Learned counsel for petitioner has placed on record all relevant *zimni* orders passed in this case from time to time. Therefore, no status report is required for disposal of present petition. However, learned counsel representing the State opposed petition by alleging that on account

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of absence of present petitioner, his arrest warrants were issued by cancelling and forfeiting his bail/surety bonds. Therefore, he is not entitled to any relief.

5. I have considered the arguments and have gone through the record carefully. Learned counsel for petitioner has placed on record *zimni* orders starting from 29.07.2023 till the passing of impugned order vide which petitioner was marked absent and his bail bonds and surety bonds were cancelled and forfeited to State and his arrest warrants were issued. From the perusal of *zimni* orders, it is clear that after presentation of challan, accused did not appear on 11.09.2023 and 24.11.2023 and notice was issued to him. Thereafter, petitioner appeared regularly before the trial Court and then again absented on 26.04.2024 and finally on 23.05.2024, when he did not appear, his bail/surety bonds were cancelled and forfeited to State.

Learned counsel for petitioner pointed out that petitioner came late in Court due to some family problem and by that time, impugned order was already passed. Prior to 26.04.2024, petitioner was regularly appearing before the trial Court. Since, the petitioner is ready to face trial and appear before the trial Court on the next date i.e. 23.09.2024, without wasting any time, lenient view is taken and petitioner is directed to surrender before the trial Court on the date fixed before trial Court i.e. 23.09.2024 and be released on bail on furnishing requisite bail and surety bonds to the satisfaction of trial Court concerned, failing which, concerned Court will proceed as per law.

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6. Petition is accordingly, disposed of.
7. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

20.09.2024

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(AMARJOT BHATTI)

JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No