



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

CRM-M-46350-2024

Date of decision: 18.09.2024

Raju Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Rahul Verma, Advocate for the petitioner.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 528 BNSS 2023 seeking quashing of order dated 10.11.2023 Annexure P-2 passed by the Court of Judge, Special Court, Sangrur vide which the bail bonds/surety bonds of the petitioner were cancelled and he was directed to be summoned through nonailable warrants of arrest in a criminal case having FIR No. 175 dated 18.08.2019 registered under Sections 21, 61 of NDPS Act, at Police Station City Sangrur, on account of his absence before the trial Court on the date fixed.

2. Counsel for the petitioner inter alia submits that earlier the petitioner was granted regular bail vide order dated 23.09.2019, as the present case is relating to recovery of 10 grams of heroin. The copy of the said order is taken on record. Counsel for the petitioner further submits that after grant of bail, the petitioner was regularly appearing in the trial but due to some unavoidable circumstances, the petitioner got absented on 10.11.2023 which resulted in passing of impugned order Annexure P-2 in a hasty manner. Counsel for the petitioner further submits that petitioner is ready and willing to join the proceedings before the learned trial Court at the earliest.

3. Notice of motion.



4. Mr. J.S. Dhaliwal, AAG, Punjab, accepts notice on behalf of the State and on instructions from ASI Jagtar Singh submits that even one date prior to 10.11.2023, the petitioner did not turn up and then notice was issued to the petitioner but he failed to respond to the same and resultantly, impugned order dated 10.11.2023 Annexure P-2 was passed by the learned trial Court. However, the State counsel has not disputed the fact that the case is relating to recovery of 10 grams of heroin which comes under non commercial quantity of contraband and further till date, the petitioner has not been declared as proclaimed offender.
5. Admittedly, the rigors of Section 37 of NDPS Act are not applicable to the instant case and further prior to passing of the impugned order, the petitioner was on regular bail.
6. In light of the above, without expressing any opinion on the merits of the case and in order to avoid any further delay in trial, the petitioner is hereby directed to join proceedings before the trial Court within next 10 days and on his doing so, the petitioner is to be released on regular bail by the Court concerned to its own satisfaction subject to cost of Rs.5000/- to be deposited by the petitioner with the District Legal Services Authority concerned.
7. Disposed of in aforesaid terms.

18.09.2024

Yogesh

**(KARAMJIT SINGH)
JUDGE**

**Whether speaking/reasoned:-
Whether reportable:-**

**Yes/No
Yes/No**