



CRM-M-48864-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

120

CRM-M-48864-2024

Date of Decision: 30.09.2024

Varinder Singh @ Varinder Mani

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Ketan Chopra, Advocate for the petitioner.

KARAMJIT SINGH, J. (Oral)

The present petition has been filed by the petitioner under section 528 of B.N.S.S., 2023 seeking quashing of impugned order dated 05.07.2024 (Annexure P-4) passed by the Court of learned Judge Special Court, Ludhiana in a criminal case having FIR No.274 dated 07.08.2018 registered under Sections 21 of the NDPS Act, Police Station Division No.5, Ludhiana and all the subsequent orders including the order dated 13.08.2024 (Annexure P-5), on account of the absence of the petitioner before the trial Court on the date fixed i.e. 05.07.2024.

Learned counsel for the petitioner *inter alia* contends that the petitioner was arrested in the aforesaid criminal case and thereafter granted regular bail by the Court concerned, vide order dated 08.10.2018 (Annexure P-2). That after grant of regular bail, the petitioner was regularly appearing before the trial Court but got absented on 05.07.2024 and consequently, the impugned order dated 05.07.2024 (Annexure P-4) was passed by the trial Court. It is further submitted that the absence of the petitioner before the trial Court on 05.07.2024 was not intentional and actually the police registered one another

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criminal case against the petitioner and the petitioner was apprehending his arrest in the said criminal case, that is why he was unable to appear in the trial Court on the date fixed i.e. 05.07.2024.

Learned counsel for the petitioner further submits that now the petitioner has been granted anticipatory bail in the said criminal case registered against him and he is ready to join the proceedings before the trial Court at the earliest.

Notice of motion.

On the asking of the Court, Mr. J.S. Dhaliwal, AAG, Punjab, accepts notice on behalf of the State and he, on instructions from ASI Rajesh Kumar, submits that no doubt the petitioner was granted regular bail in the present case, vide order dated 08.10.2018 (Annexure P-2) but he got absented on 05.07.2024 and resultantly, impugned order dated 05.07.2024 was passed and there is no illegality or perversity in the same.

In the light of the facts narrated above and without commenting any expression on the merits of the case as well as to avoid further delay in the trial, the present petition is hereby allowed and the petitioner is directed to appear before the trial Court within a period of 15 days from today. On his doing so, the petitioner is to be released on regular bail by the said Court to its own satisfaction subject to payment of cost of Rs.7,000/- to be deposited with the District Legal Services Authority concerned by the petitioner.

With these observations, the present petition is disposed of.

30.09.2024*D.Bansal***(KARAMJIT SINGH)
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No