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

**CRM-M No.48758 of 2024
Date of decision : 27.09.2024**

Sandeep Kumar @ Happy**.....Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Manoj R. Sharma, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed under Section 482 Cr.P.C. for quashing of order dated 19.09.2024 (Annexure P-4) in which the non-bailable warrants were issued against the petitioner in case bearing FIR No.33, dated 24.01.2018, under Section 21 of NDPS Act, registered at Police Station Phillaur, District Jalandhar qua the petitioner. Further prayer has been made for staying the arrest of the petitioner during the pendency of the present petition.

2. It has been submitted by learned counsel for the petitioner that the petitioner was granted the concession of regular bail in FIR No.33, dated 24.01.2018 by this Court in CRM-M-14863-2018 vide order dated 13.12.2018. He has submitted that thereafter he was duly appearing before the trial Court. He has submitted that as the wrong date was informed to the petitioner, he could not appear only on one date i.e. 19.09.2024 and hence, his bail was cancelled and bail bonds/surety bonds



were cancelled and forfeited to the State. He has submitted that non bailable warrants were issued against the petitioner for 15.10.2024. He has further submitted that absence of the petitioner was totally unintentional and the petitioner is ready to abide by the terms and conditions of the bail granted by this Court vide order dated 13.12.2018.

3. Notice of motion.

4. On asking of the Court, Mr. Tarun Aggarwal, Sr. DAG, Punjab appears and accepts notice on behalf of the respondent-State.

5. Learned State counsel has opposed the submissions made by learned counsel for the petitioner and has stated that the trial Court has rightly cancelled the bail granted of the petitioner, who remained absent on 19.09.2024 without any valid reason.

6. After hearing counsel for the parties and perusing the record, it is apparent that the petitioner remained absent on one day i.e. on 19.09.2024 and his bail was cancelled and bail/surety bonds were forfeited to the State and non-bailable warrants of arrest were issued for 15.10.2024. The reason for his absence has been given that he got noted a wrong date. The petitioner is keen to join the proceedings. So keeping in view the abovesaid facts, the present petition is disposed of and the impugned order dated 19.09.2024 is *set aside*. In case, the petitioner appears and surrenders before the Court concerned within a period of 10 days from today and files an application for bail, the Court concerned is directed to admit him to bail subject to its satisfaction and proceed with the trial in accordance with law. He will have protection from arrest for a period of 10 days from today.

7. Needless to say that in case the petitioner fails to comply with



the abovesaid direction, he will have no benefit of abovesaid protection granted by this Court and order under challenge dated 19.09.2024 would come in force.

27.09.2024
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(RAJESH BHARDWAJ)
JUDGE

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