

2024:PHHC:130155



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

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CRM-M-49288-2024 (O&M)

Date of decision: 01.10.2024

Balwinder Singh @ Billa**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Prateek Pandit, Advocate
for the petitioner.

MANISHA BATRA, J. (Oral)

1. This petition has been filed by the petitioner seeking quashing of order dated 16.07.2024 (Annexure P-6), passed by learned Judge, Special Court, Kapurthala in case arising out of FIR No. 99 dated 20.04.2021, registered under Sections 21, 22 and 29 of the NDPS Act, 1985 at Police Station City Kapurthala, District Kapurthala, whereby the bail of the petitioner has been cancelled and arrest warrants have been issued against him.

2. Learned counsel for the petitioner submits that the petitioner was nominated in the aforementioned FIR as an accused on the basis of the disclosure statement suffered by a co-accused. However, he was granted concession of anticipatory bail by learned Judge, Special Court Kapurthala, vide order dated 31.05.2021. Thereafter, *challan* was presented on 27.05.2022 and the petitioner was regularly appearing before the trial Court. However, he could not appear before the Court on 16.07.2024, due to which, his bail had been cancelled by the learned trial Court and non-bailable warrants had been issued against him. It is further submitted that the absence of the petitioner before the

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learned trial Court on the said date was neither intentional nor deliberate but it was only due to the fact that he had noted down a wrong date. He undertakes to attend the Court proceedings, as and when he is required to do so. He is ready to abide by the terms and conditions as may be imposed by this Court. It is, therefore, urged that the petition deserves to be allowed.

3. I have heard learned counsel for the petitioner at considerable length and have also gone through the material placed on record.

4. Admittedly, the petitioner was granted concession of anticipatory bail by the learned trial Court but subsequently, for the reasons mentioned above, his bail had been cancelled and non-bailable warrants had been issued against him. The absence of the petitioner on the aforesaid date is obviously due to his carelessness but it does not attract the consequence of detaining him into custody. Keeping in view the aforesaid facts and circumstances, the present petition is disposed of with a direction to the petitioner to surrender before the trial Court on or before the next date fixed before it i.e. 04.11.2024 and on doing so, he shall be released on bail by the trial Court, subject to his furnishing fresh personal/surety bonds to its satisfaction.

01.10.2024

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No