



CRM-M-49134-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-49134-2024

Date of Decision: October 01, 2024

Sukhchain Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.Vishal Sharma, Advocate for
Mr.Manjinder Singh Saini, Advocate
for the petitioner.

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RAJESH BHARDWAJ, J.(ORAL)

1. Prayer in the present petition is for quashing of order, dated 02.09.2024, vide which exemption application of the petitioner was declined and the bail bonds of the petitioner were forfeited and non-bailable warrants of the petitioner were issued in case FIR No.112, dated 25.10.2018, under Section 22 of the Narcotics Drugs and Psychotropic Substances Act, 1985, registered at Police Station Haryana, Hoshiarpur, Punjab. It is further prayed to stay the operation of the impugned order, dated 02.09.2024, during pendency of the present petition before this Court and the petitioner be allowed to join the trial proceedings.

2. Learned counsel for the petitioner has submitted that petitioner was granted interim regular bail vide order dated 21.12.2018 and he was regularly appearing before the Court, however, on 02.09.2024, as he was not



but the same has been declined and non-bailable warrants have been issued against him. It is submitted that while passing the impugned order, it has been observed by the trial Court that petitioner is habitual of filing exemption applications. Learned counsel for the petitioner submits that petitioner is a truck driver and drives someone's truck to earn his livelihood and he sought exemption only when he was out of station and not able to come present before the trial Court but counsel for the petitioner was authorized to proceed with trial and examine witness, if any, in his absence. He submits that absence of the petitioner was neither wilful nor intentional but it was only due to the fact that he was not well and was not in a position to travel from Mansa to Hoshiarpur. He further submits that petitioner is ready to join the proceedings and face trial.

3. Notice of motion to official respondent only.

4. On asking of the Court, Mr. Tarun Aggarwal, Sr. DAG, Punjab, who is present in Court, accepts notice on behalf of the respondents/State. He has opposed the contentions raised by learned counsel for the petitioner and submits that petitioner is habitual of seeking exemption.

5. Heard.

6. After hearing learned counsel for the parties, it is apparent that the petitioner, as alleged by learned counsel, was on bail in the present case and he was regularly appearing before the trial Court. However, on 02.09.2024, he filed an application for exemption, which was declined and his bail bonds were cancelled and forfeited to the State and non-bailable warrants were issued. However, as he is now ready to face the trial, this



surrender before the trial Court and face the trial. Hence, the present petition is disposed of. Order dated 02.09.2024 is set aside subject to payment of Rs.10,000/- as costs to be deposited with the Punjab and Haryana High Court Employees Welfare Association within a period of seven days' from today. The petitioner is directed to appear before the trial Court within a period of ten days from today and file an application for bail alongwith receipt of abovesaid costs and if he does so, the Court concerned would admit him to bail till the disposal of the case on his furnishing bail/surety bonds subject to its satisfaction. He will have protection from arrest for a period of ten days from today. 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 02.09.2024 would come in force and the present petition would be deemed to have been dismissed.

October 01, 2024
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(RAJESH BHARDWAJ)
JUDGE

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| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |