



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

126

CRM-M-50204-2024
DATE OF DECISION: 18.10.2024

SANDEEP SINGH

...PETITIONER

Versus

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. H.S. Thiara, Advocate for the petitioner(s).
Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (previously U/s 482 Cr.P.C.) praying for setting aside the impugned order dated 05.09.2024 (P/2) passed by JSC, Jalandhar in case bearing CIS No. NDPS/ 83/2020, arising out of FIR No.123 dated 30.07.2019 under Section 15/22/61/85 of NDPS Act registered at Police Station Mehatpur, Jalandhar, vide which Non-Bailable Warrant has been issued against the present petitioner due to non- appearance and the bail bonds and surety bonds of the petitioner-Sandeep Singh has been cancelled and forfeited to State, along with all the subsequent/incidental proceedings arising therefrom.

Learned counsel for the petitioner submits the petitioner could not appear in Court on one date i.e.05.09.2024 due to the communication gap and the petitioner inadvertently noted the next date as 09.09.2024 instead of 05.09.2024, thereafter, the impugned order was passed He did not had any intention to avoid attendance in the Court



proceedings otherwise he was appearing regularly on each and every date before the Court. He undertakes that the petitioner will surrender before the trial Court and shall join the trial proceedings without any delay or default in future.

Notice of motion. On the asking of the Court, learned State Counsel accepts notice on behalf of the respondent-State, who is not averse to the undertaking given by the petitioner that he will surrender before the trial Court.

Considering the submissions made by learned counsel and also in appreciation of the fact that it will only speed up the proceedings before the Trial Court which is one of the essence as enshrined under Article 21 of the Constitution of India, the petitioner is directed to surrender before the trial Court within a period of one week from today and apply for regular bail.

In case, such an application for bail is moved by the petitioner before the learned trial Court, the same shall be considered on the same date and decided in accordance with law.

However, it is made clear that in case the petitioner does not abide by the aforesaid undertaking, the respondent/State shall be at liberty to move an appropriate application for revival of the instant petition.

The aforesaid order/concession to the petitioner shall be subject to payment of costs of Rs.10,000/- to be deposited with the Punjab and Haryana High Court Bar Association, Chandigarh and a receipt of the same be produced before the Trial Court and only in that



eventuality, application of the petitioner for seeking bail be considered and decided on the same day in accordance with law.

The instant petition is disposed of in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

18.10.2024

anuradha

Whether speaking/reasoned Yes/No

Whether reportable Yes/No