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

**CRM-M No.50221 of 2024
Date of decision : 14.10.2024**

Lakhbir Singh alias Kala

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Prince Sharma, Advocate
for the petitioner (through video conferencing).

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed under Section 482 Cr.P.C. praying for quashing of the impugned order dated 20.12.2022 (Annexure P-7) passed by the learned Judge of Special Court, Tarn Taran along with all consequential proceedings arising thereto, whereby the petitioner has been ordered to be summoned through non-bailable warrants with notice to sureties for 02.12.2024 in FIR No.10, dated 27.02.2021, under Section 22 of NDPS Act, 1985, registered at Police Station Valtoha, Tehsil Patti, District Tarn Taran, Punjab (Annexure P-1). Further prayer has been made for passing any interim order or direction in favour 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 bail by the learned trial Court vide order dated 17.08.2021. He has submitted that thereafter he was duly appearing before the trial Court. He has submitted that as the



petitioner was arrested in some other case, he could not appear on 20.12.2022 and his counsel was not informed the Court about his arrest in other case and hence, his bail was cancelled and bail bonds/surety bonds were cancelled and forfeited to the State. He submits that on 06.02.2024, a report was received that the petitioner is lodged in Goindwal Jail in some other case and the case was adjourned to 23.04.2024. He submits that on 23.04.2024, the petitioner was produced before the trial Court through video conferencing from Patti Jail and production warrants were issued for 13.05.2024. He further submits that on 13.05.2024, the petitioner was again produced before trial Court through video conferencing and Jail Superintendent was directed to produce the petitioner in person in the Court on 02.07.2024. He submits that on 02.07.2024, it came to light that the petitioner was neither in Goindwal Jail and nor in Patti Jail and thus fresh non-bailable warrants of the petitioner were issued and case was adjourned for 21.08.2024. He submits that on 21.08.2024 and on 23.09.2024 non bailable warrants were issued and thus the case was adjourned for 02.12.2024. It has been further submitted by learned counsel for the petitioner that the petitioner was arrested on 19.01.2024 vide FIR No.42, dated 21.05.2014, under Section 27 of NDPS Act, 1985, registered at Police Station Valtaha, Tehsil Patti, District Tarn Taran and he was declared proclaimed offender. He has submitted that the petitioner was granted the concession of regular bail by the learned trial Court in case FIR No.42, dated 21.05.2014 vide order dated 12.02.2024. He has submitted that non bailable warrants were issued against the petitioner for 02.12.2024. He has further submitted that absence of the petitioner was totally unintentional and the petitioner is ready and willing to appear



before the trial Court and comply with all the conditions imposed by this Court while considering his request for his release on interim bail during the pendency of the main case.

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. He has opposed the submissions made by learned counsel for the petitioner and has stated that the trial Court has rightly cancelled the bail granted to the petitioner, who remained absent on 20.12.2022 without any valid reason.

5. After hearing counsel for the parties and perusing the record, it is apparent that the petitioner remained absent on 20.12.2022 and his bail was cancelled and bail/surety bonds were forfeited to the State and non-bailable warrants of arrest were issued on the same date and now the matter is fixed for 02.12.2024. The reason for his absence has been given that he was arrested in some other case and was in Jail and as such his absence cannot be termed as intentional or malafide. 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 20.12.2022 is *set aside* subject to payment of Rs.10,000/- as costs to be deposited with the Day Care Centre for Elderly Disabled in Home for Old & Destitute People, Sector 15, Chandigarh by the petitioner within one week from today. 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 alongwith receipt of abovesaid costs, 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.

6. 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 20.12.2022 would come in force and the present petition would be deemed to have been dismissed.

14.10.2024
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(RAJESH BHARDWAJ)
JUDGE

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