

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

131

CRM-M-52156-2024 (O&M)
DATE OF DECISION: 21.10.2024

MANPREET SINGH **...PETITIONER**
Versus

STATE OF PUNJAB ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Viresh Dahiya, 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 the Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of the order dated 08.08.2024 (P-10) arising out of F.I.R. 0124/2022 dated 27.08.2022 which got registered under Sections 18, 61,85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Sadar Batala, District Batala, passed by the Judge, Special Court, Gurdaspur whereby bail order and bail bonds were cancelled and bail bonds forfeited to the State and further applicant/petitioner was summoned through non-bailable warrants for 04.11.2024 and further under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, granting petitioner protection from arrest during the pendency of the present petition, and staying the operation/ proceedings of order dated 08.08.2024 (P- 10) during the pendency of the present petition.

Learned counsel for the petitioner submits that on 08.08.2024 the petitioner could not appear before the Trial Court and had moved the application for exemption but the same was declined by



the Trial Court stating that '*application is not supported by an affidavit and it seems to be without any valid reason.*' He further submits that the petitioner 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 ten days 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.

Consequently, the impugned order is quashed and the instant petition is disposed of in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

21.10.2024
anuradha

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