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

**CRM-M No.52644 of 2024
Date of decision : 22.10.2024**

Himanshu

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Amit Sharma, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed praying for quashing of impugned order dated 22.02.2024 (Annexure P-3) passed by the Court of learned Additional Sessions Judge, Ludhiana vide which non-bailable warrant was issued, bail bonds were cancelled and notice to surety was issued for 22.05.2024, impugned order dated 22.05.2024 (Annexure P-4) vide which non-bailable warrant was issued for 07.08.2024 and impugned order dated 07.08.2024 (Annexure P-5) vide which again non-bailable warrant was issued for 22.10.2024 as earlier non-bailable warrant issued to the petitioner was received unserved in FIR No.86, dated 07.08.2019, under Sections 21 & 61 of Narcotic Drugs and Psychotropic Substances Act, 1985 in Police Station Division No.4, District Ludhiana and further directing the Court of learned Additional Sessions Judge, Ludhiana to admit the petitioner in bail and accept the surety bonds to the petitioner.

Further prayer has been made for staying the arrest 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 in FIR No.86, dated 07.08.2019, registered under Sections 21 & 61 of NDPS Act. He has submitted that thereafter the petitioner was regularly appearing before the trial Court. He has submitted that as the petitioner was sick, he could not appear on the date fixed i.e. 22.02.2024 and hence, his bail order was cancelled and bail and surety bonds were cancelled and forfeited to the State. He has submitted that non-bailable warrants against the petitioner, his surety and identifier were issued for 22.05.2024. He has submitted that on 22.05.2024, non-bailable warrants were again issued for 07.08.2024 on the ground that warrants of arrest issued against the petitioner were not received back either served or unserved. He has further submitted that on 07.08.2024, again non-bailable warrants were issued for 22.10.2024 as the earlier warrants of arrest issued to the petitioner were received back unserved. 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.

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 22.02.2024 without any valid reason.

5. After hearing counsel for the parties and perusing the record,



it is apparent that the petitioner remained absent on 22.02.2024 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 22.10.2024. The reason for his absence has been given that he was sick and under treatment. The petitioner is keen to join the proceedings. So keeping in view the abovesaid facts, the present petition is disposed of and the impugned orders dated 22.02.2024, 22.05.2024 and 07.08.2024 are hereby *set aside*. 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, 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 orders under challenge dated 22.02.2024, 22.05.2024 and 07.08.2024 would come in force and the present petition would be deemed to have been dismissed.

22.10.2024
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

(RAJESH BHARDWAJ)
JUDGE