



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

293

CRM-M-54053-2024 (O&M)

Date of Decision:- 16.12.2024

GURWINDER SINGH @ GOGI

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

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

Mr. Amit Shukla, AAG Punjab.

SANJIV BERRY, J. (ORAL)

By way of present petition preferred under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioner has sought quashing of impugned order dated 05.03.2024 (Annexure P-3) passed by the Court of learned Judge, Special Court Tarn Taran, in case No.NDPS-77-21 titled as '*State Vs. Gurwinder Singh etc.*' vide which non bailable warrants of arrest were issued against the petitioner due to his non appearance. The petitioner further seeks quashing of order dated 22.08.2024 (Annexure P-4) passed by learned Judge, Special Court, Tarn Taran vide which the order dated 06.04.2024 stands rectified and bail order of the petitioner was cancelled due to his non appearance in case FIR (Annexure P-1) as mentioned below: -

FIR No.	Dated	Sections	Police Station
260	05.10.2020	21(b) of the NDPS Act	Tarn Taran, District Tarn Taran

2. Learned counsel for the petitioner has submitted that in compliance to the order dated 06.11.2024 passed by this Court, the petitioner has appeared in the Court and furnished his requisite bail bonds. He has placed on record the certified copy of the order dated 12.11.2024 passed by learned Judge, Special Court, Tarn Taran, whereby the petitioner has been admitted on interim bail by the learned trial Court.
3. Learned State counsel has not disputed the aforesaid factum.
4. Heard.
5. During the course of proceedings on 06.11.2024, the following order was passed.

“3. It is, inter alia, contended by learned counsel for the petitioner that the petitioner was granted concession of bail in the above said FIR vide order dated 05.11.2020 passed by learned Judge Special Court, Tarn Taran, in case No. CIS No. BA/2597/2020 (Annexure P-2) and had been regularly appearing before the learned Trial Court but on 05.03.2024, he could not appear in the Court having noted the wrong date and the petitioner was ordered to be served through non-bailable warrants of arrest. Later, vide order dated 22.08.2024 (Annexure P-4), the bail bonds of the petitioner were cancelled.

4. Learned counsel for the petitioner contends that the absence of the petitioner was not intentional and he is ready to appear before the learned Trial Court where the next date is fixed for 11.12.2024.

5. Notice of motion, returnable for 28.11.2024.

6. On the asking of the Court, Mr. Adesh Pal Singh, AAG, Punjab, who is present in Court, accepts notice and does not dispute the factual matrix of the case. He, on instructions from ASI Nishan Singh, submits that next date fixed before the learned Trial Court is 11.12.2024.

7. Keeping in view the above facts and

circumstances, the petitioner is directed to appear before the learned Trial Court/Judge on duty within 07 days from today and in that event, learned Trial Court/Judge on duty will admit the petitioner on interim bail subject to its satisfaction.

8.

The petitioner shall also furnish a specific undertaking before the learned Trial Court/Judge on duty that, in future, he would be regularly appearing before the concerned Court on each and every date and in case of some exigency, he will seek prior permission of the concerned Court qua his exemption to appear on the date fixed.
9.

This order is subject to deposit of Rs. 5,000/- as costs in the District Legal Services Authority, Tarn Taran.”

6.

Keeping in view the fact that the petitioner has already appeared in the Court and furnished his requisite bail/surety bonds consequent to the order dated 06.11.2024 passed by this Court, the present petition is allowed. The orders dated 05.03.2024 (Annexure P-3) and 22.08.2024 (Annexure P-4) passed by the Court of learned Judge, Special Court Tarn Taran are set aside and the interim bail granted vide order dated 06.11.2024 is hereby confirmed.
7.

The petition stands allowed.
8.

Pending applications, if any, shall also stand disposed of.

(SANJIV BERRY)
JUDGE

16.12.2024
S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No