



CRM-M-54838-2024

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

CRM-M-54838-2024

Date of Decision: 05.11.2024

Gurpal Singh

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Lakhwinder Singh Dandiwal, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for quashing of the order dated 06.08.2024 (Annexure P-6), vide which bail of the petitioner has been cancelled and his bail/surety bonds have been forfeited to the State in a case FIR No.24, dated 14.01.2019, under Sections 21(a) NDPS Act, registered at Police Station Sadar Fatehabad, District Fatehabad.

2. It has been contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present FIR. He submits that even otherwise the alleged recovery is of 03 grams of heroin from the petitioner, which is a small quantity. He submits that petitioner was granted bail by the learned trial Court and thereafter, he was regularly appearing before it. He submits that due to noting of wrong date, the petitioner could not appear before the trial Court on 06.08.2024 and on account of the same, his bail was cancelled and bail bonds were forfeited to the State and he was summoned through non-bailable warrants and notice to his surety was ordered to be issued. He submits that absence of the petitioner was totally unintentional and due to the circumstances beyond his control. He further submits that the petitioner is ready to appear before the trial Court and abide by all the terms and condition, if any imposed by this Court.

3. Notice of motion.
4. Mr. Sumit Jain, Addl. AG, Haryana accepts notice on behalf of the State and submits that learned trial Court has rightly cancelled the bail of the petitioner as he failed to appear before it.
5. Heard.
6. After hearing learned counsel for the parties and perusing the record, it is evident that due to noting of wrong date as alleged by the petitioner, he remained absent on 06.08.2024 and due to his non-appearance, his bail was cancelled and bail bonds/surety bonds were forfeited to the State. In these circumstances, when the petitioner is ready to join the proceedings and face the trial, the order dated 06.08.2024 is set aside. The petition stands allowed.
7. The petitioner is directed to appear before the trial Court within a period of ten days from today and file appropriate application before the trial Court and the trial Court would grant him bail on his furnishing fresh bail/surety bonds to its satisfaction. The petitioner will have protection from arrest for a period of ten days from today.
8. Needless to say that in case the petitioner fails to comply with the abovesaid direction, this order would be of no avail and the order dated 06.08.2024 will come in force and the present petition shall be deemed to have been dismissed.

05.11.2024

sharmila

Whether Speaking/Reasoned

Whether Reportable

(RAJESH BHARDWAJ)

JUDGE

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Yes/No

Yes/No