

CRM-M-55382-2024

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115 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-55382-2024
Date of decision:08.11.2024

TAJINDER SINGH @ TANDI

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR.JUSTICE KARAMJIT SINGH

Present: Mr. Rajesh K. Dadwal, Advocate
for the petitioner.

KARAMJIT SINGH, J. (Oral)

The present petition has been filed by the petitioner under Section 482 of Cr.P.C. seeking quashing of order dated 02.09.2024 (Annexure P-3) passed by the Court of Judge Special Court, Hoshiarpur vide which the bail bonds of petitioner were cancelled and he was directed to be summoned to non-bailable warrants of arrest in a criminal case having FIR No.146 dated 05.09.2022 under Section 22 of NDPS Act at Police Station Bhulowal, District Hoshiarpur on account of the absence of the petitioner before the trial Court on the date fixed.

2. Counsel for the petitioner *inter alia* submits that the present case is relating to non-commercial quantity of contraband and earlier the petitioner was granted interim bail which was later on made absolute by the Court concerned vide order dated 07.02.2023 (Annexure P-2).

Thereafter, the petitioner was regularly appearing before the trial Court.



Subsequently, the petitioner was arrested in some another criminal case and as such was unable to appear before the trial Court on 02.09.2024 which resulted into passing of the impugned order (Annexure P-3). The said order was passed by the Court concerned in a hasty manner. It is further submitted that now the petitioner has been enlarged on bail in the said another criminal case and is ready and willing to join the proceedings in the trial of the present case, at the earliest.

3. Notice of motion.

4. Mr. Jasjeet Singh Dhaliwal, AAG, Punjab accepts notice on behalf of the State and on instructions from ASI Surender Pal submits that the petitioner got absented on 02.09.2024 in the trial and thus impugned order (Annexure P-3) was passed by the trial Court in accordance with law. However, the State counsel has not disputed the fact that on 02.09.2024, the petitioner was lodged in jail in some another criminal case.

5. In view of the fact that on the relevant date i.e. 02.09.2024 the petitioner was in custody in some other criminal case, it could be easily said that the absence of the petitioner before the trial Court on that date was not intentional.

6. In light of the above and without expressing any opinion on the merits of the case, the present petition is hereby allowed in the interest of justice and in order to avoid any further delay in the trial with direction to the petitioner to appear before the trial Court on or before the next date fixed in the trial and on his doing so, the petitioner is to be

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released on regular bail by the said Court. As the absence of the petitioner before the trial Court was not intentional, the trial Court in its own wisdom may restore the bail/surety bonds of the petitioner which were cancelled vide order dated 02.09.2024.

08.11.2024
Priyanka Thakur

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No