



In The High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-55879-2024 (O&M)
Date of Decision:- 11.11.2024

Munish Kumar Sharma alias Kalu ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ashish Aggarwal, Advocate, for the petitioner.

Mr. Siddharth Attri, AAG, Punjab.

FIR NO.	DATE	POLICE STATION	OFFENCES
51	10.05.2024	Haryana, District Hoshiarpur	21, 29 of NDPS Act

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner assails order dated 16.8.2024 (Annexure P-3) vide which the learned Additional Sessions Judge has cancelled the bail bonds and surety bonds and forfeited the same to the State and has further issued non bailable warrants for securing presence of the petitioner on account of absence of the petitioner on said date i.e. on 16.8.2024.



2. Learned counsel for the petitioner submits that the FIR in question came to be lodged against the petitioner with the allegations that the petitioner was found in possession of 20 grams of 'Heroin' which would fall in the category of 'non commercial' quantity and wherein the petitioner was granted regular bail. Learned counsel submitted that ever since the grant of regular bail, he had been appearing on each and every date before the trial Court and that his bail was cancelled on account of some confusion though he was actually present in the Court premises on the said date. It has been submitted that as on 16.8.2024 when his bail was cancelled, the challan had not been presented which came to be presented on 30.8.2024 and thus in other words the said date was an ineffective date. Learned counsel submits that in any case he has been and is still ready and willing to appear before the trial Court and to co-operate fully with the proceedings of the trial.
3. Notice of motion.
4. Pursuant to service of advance notice to State of Punjab, Mr. Siddharth Attri, AAG, Punjab, has put in appearance on behalf of respondent-State and has opposed the petition.
5. This Court has considered rival submissions addressed before this Court.
6. Having regard to the fact that it is a case of recovery of non commercial quantity of contraband and the absence of the petitioner is



stated to be the solitary instance of default on his part and as on the date of his absence the challan had not even been presented which came to be presented subsequently, this Court is of the opinion that a lenient view could be taken in the matter so as to enable the petitioner to appear before the trial Court and to co-operate with the proceedings of the trial. The impugned order dated 16.8.2024 as such is set aside and the petitioner is directed to appear before the trial Court on 7.12.2024 i.e. the date already fixed. Upon appearance of the petitioner before the trial Court, he would be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

7. The trial Court shall be at liberty to impose any such condition as deemed appropriate so as to ensure that regular presence of the petitioner before the trial Court on the dates as may be fixed.

11.11.2024
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(GURVINDER SINGH GILL)
JUDGE

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