



CRM-M-56438-2024

128 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.56438 of 2024 (O&M)
Date of Decision: 13.11.2024

Hardev Singh and Another ..Petitioners

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sumeet Singh Brar, Advocate for the petitioner.

Ms. Swati Batra, DAG, Punjab

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
72	02.05.2019	City Lambi, District Sri Muktsar Sahib	15 of NDPS Act

Seeking quashing of impugned order dated 03.10.2024 passed by the Court of Addl. Sessions Judge, Sri Muktsar Sahib in the FIR captioned above vide which bail of the petitioners were cancelled and bail bonds and surety bonds were forfeited and the petitioners were summoned through non bailable warrants, the petitioners have come up before this Court under Section 528 BNSS.

2. Notice served upon the official respondent through State counsel. The nature of order this court proposes to pass, no response is required from the respondent.

3. Ld. Counsel for the petitioners contends that counsel for the petitioner was not available as he was busy in elections of Panchayat and on that day, case of the petitioner transferred from the concerned court to another, due to which he could not appear in that court and thus, absence was unintentional, without any endeavor to delay the trial, and due to factors beyond the petitioner’s control.

4. The primary object of service is to secure the accused's presence in trial. The petitioner has approached this court on its own, establishing the bonafide at this stage. Without commenting on the case's merits, and in the facts and circumstances peculiar to this case, and also for the reasons mentioned above, the ends of justice would meet. Furthermore, without adjudicating the maintainability of this petition under section 528

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BNSS and leaving that question open; given the explanation offered by the accused coupled with the facts and circumstances peculiar to this case, a balanced approach would work as an incentive, a catalyst, speeding up the process, and bringing the guilty to Justice and Justice to the guilty. Thus, exercising the inherent powers under section 528 BNSS, this court deems it appropriate to grant the following limited relief to the petitioner, subject to compliance with the conditions mentioned in this order.

5. **The petitioners are directed to surrender before the concerned court on or before 22.11.2024 by 11 AM and file a bail petition. Since the petitioners were earlier granted bail, as such on appearance, the concerned court shall release the petitioners on bail on the same day, subject to furnishing bail bonds to its satisfaction and imposing reasonable conditions as it may deem appropriate in the background of the accused's conduct.**

6. The petitioner(s) shall not be arrested till 22.11.2024 by 5 PM and it is clarified that **if the petitioner(s) do not appear before the concerned court by this date, then this order shall stand recalled automatically under section 403 read with 528 BNSS, without any further reference to this court.** On appearance before the Court concerned, impugned order shall stand quashed automatically. It is clarified that this order be not construed as grant of bail to petitioner(s).

7. By the next date, the petitioners shall deposit a sum of rupees ten thousand each, in the account of **PGI Poor Patient Welfare Fund** and hand over its receipt to the Court concerned.

8. Any observation made hereinabove is neither an expression of opinion on the merits of the case nor shall the trial Court advert to these comments.

9. *There would be no need for a certified copy of this order, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. In case the attesting officer wants to verify the authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.*

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Petition allowed to the extent and subject to the conditions mentioned above. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

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Sonia Puri
Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No.