

128 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-56161-2024
Date of decision : 11.11.2024
.....Petitioner

Malkeet Singh

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Kuldeep Singh Siwach, Advocate for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for quashing of order dated 26.07.2024 (Annexures P-19) vide which the bail of the petitioner was cancelled and his bail bonds/surety bonds have been forfeited to the State and to restore the surety bonds of the petitioner and he be allowed to appear on the same very bail bonds before the trial Court in case FIR No.561 dated 11.10.2018 under Sections 22(b), 27-A (Act No.61) of NDPS Act, registered at Police Station Sadar Ratia, District Fatehabad. Further prayer has been made for staying the arrest of the petitioner.

2. It has been contended by counsel for the petitioner that the petitioner was roped in the present case on the basis of the disclosure statement made by the co-accused. He submits that the petitioner was granted the bail by the learned Special Court in 2019 itself and he was duly appearing before the Court. However, only on one date i.e. 26.07.2024, he could not appear before the Court as he noted down the wrong date of hearing and his bail order was cancelled. He has submitted that now the petitioner is ready to join the proceedings and abide by the terms and conditions of bail.

3. Notice of motion to official respondent only.

4. On asking of the Court, Mr. Sumit Jain, Addl. A.G., Haryana accepts notice on behalf of the respondent-State.

5. Learned State counsel has opposed the submissions made by learned counsel for the petitioner and has stated that the trial Court has rightly cancelled the bail granted of the petitioner who remained absent on 26.07.2024 without any valid reason.

6. After hearing counsel for the petitioner and perusing the record, it is apparent that the petitioner remained absent on one day i.e. on 26.07.2024 and his bail was cancelled and bail bonds were forfeited to the State. The reason for his absence has been given that he wrongly noted the date of hearing. The petitioner is keen to join the proceedings. So keeping in view the abovesaid facts, this Court dispose of the present petition and the impugned order dated 26.07.2024 is *set aside* subject to payment of Rs.10,000/- as costs to be paid to the ‘Day Care Centre for Elderly Disabled in home for old & Destitute People, Sector-15 Chandigarh’ by the petitioner within one week from today. In case, the petitioner appears and surrenders before the Court concerned within a period of 10 days from today and files an application for bail alongwith receipt of abovesaid costs, the Court concerned is directed to admit him to bail subject to its satisfaction and proceed with the trial in accordance with law. He will have protection from arrest for a period of 10 days from today.

7. Needless to say that in case the petitioner fails to comply with the abovesaid direction, he will have no benefit of abovesaid protection granted by this Court and order under challenge dated 26.07.2024 would come in force and the present petition shall be deemed to have been dismissed.

11.11.2024
ps-I

(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No