



CRM-M-60743-2023

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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM-M-60743-2023
Date of decision: 10.09.2024**

SAGAR**....Petitioner**

Versus

STATE OF HARYANA**....Respondent****CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY**

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

Mr. Ramender Singh Chauhan, AAG, Haryana.

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SANJIV BERRY, J. (ORAL)

The instant petition under Section 482 Cr.P.C. has been moved by the petitioner seeking quashing of the impugned order dated 11.07.2023 (Annexure P-21) passed by learned Additional District and Sessions Judge, Fatehabad in case titled as '*State vs. Sagar*', bearing CIS No.112-NDPS-2018 in case FIR No.400 dated 17.07.2018, under Section 21(b) of NDPS Act, 1895 registered at Police Station City Fatehabad, District Fatehabad, whereby bail of the petitioner was cancelled and bail bonds/surety bonds were forfeited to the State.

2. Learned counsel for the petitioner *inter alia* contends that in compliance of the order dated 04.12.2023, petitioner appeared before the learned trial Court on 20.12.2023 and furnished requisite bail bonds, surety bonds and placed on record copy of order dated 20.12.2023 passed by



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learned Additional Sessions Judge, Fatehabad. He contends that since the petitioner has joined the trial Court proceedings, as such the order dated 11.07.2023 (Annexure P-21) passed by learned Additional Sessions Judge, Fatehabad whereby bail of the petitioner was cancelled and bail bonds/surety bonds were forfeited to the State, be quashed.

3. Learned State counsel has not disputed the aforesaid factual matrix of the case and submits that petitioner appeared on 20.12.2023 before the learned trial Court and furnished requisite bail bonds.

4. Heard.

5. During the course of the proceedings, following order was passed on 04.12.2023:-

1. By way of the present petition under Section 482 of Cr.P.C., the petitioner has sought quashing of the impugned order dated 11.07.2023 (Annexure P-21) passed by learned Additional District and Sessions Judge, Fatehabad, in case titled as 'State Vs. Sagar', bearing CIS No.112-NDPS-2018 in case FIR No.400 dated 17.07.2018, under Sections 21(b), of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station City Fatehabad, District Fatehabad.

2. It is, inter alia, contended by learned counsel for the petitioner that the petitioner after having been nominated, in the aforesaid FIR, was granted concession of regular bail way back in August, 2018 and thereafter he had been regularly appearing in the trial Court on each and every date. He submits that on 11.07.2023, the petitioner could not appear in the Court on the date fixed due to the fact that he was not well and due to this he had informed his counsel to move an application for exemption but inadvertently the said application could not be moved by his counsel leading the petitioner being marked as absent and warrants of arrest had been issued. He submits that next date to appear before the trial Court is 11.01.2024.

3. Learned counsel for the petitioner further contends that the petitioner is ready and willing to appear before the Trial Court with an undertaking that he will not absent himself in the trial Court, in future.



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4.

Notice of motion.
5.

Ms. Gaganpreet Kaur, DAG Haryana accepts notice on behalf of respondent-State.
6.

Without commenting upon the merits of the case, the petitioner, namely Sagar, is hereby directed to join investigation within seven days and in the event of his arrest, he shall be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. He is also directed to furnish specific undertaking that he will appear in the Court on each and every dated of hearing, without fail, and only in case of extreme exigency, will seek a prior exemption from the Court in accordance with law. He shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.
7.

List on 20.12.2023.”
6.

Keeping in view the fact that the petitioner has already appeared on 20.12.2023 before the learned trial Court and furnished requisite bail/surety bonds consequent to the order dated 04.12.2023, passed by this Court, the present petition is allowed and order dated 11.07.2023 (Annexure P-21), passed by learned Additional Sessions Judge, Fatehabad, whereby bail of the petitioner was cancelled and bail bonds/surety bonds were forfeited to the State is hereby set aside and the interim bail granted vide order dated 04.12.2023 is hereby confirmed.
7.

The Petition stands disposed of.

10.09.2024
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(SANJIV BERRY)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |