

**CRM-M-56527-2024****-1-****IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.****Sr. No.130****Case No. : CRM-M-56527-2024****Decided On : November 13, 2024**

Varinder Kumar @ Varinder Singh
@ Vicky

.... Petitioner

vs.

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

* * *

Present : Mr.Vikram Satpal Anand, Advocate
for the petitioner.

Ms.Manjot Kaur, AAG, Punjab.

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GURBIR SINGH, J. :

1. Through the instant petition, the petitioner has approached this Court with a prayer for quashing the order dated 03.08.2024 (Annexure P-3), passed by learned Judge, Special Court, Ludhiana (for brevity – Trial Court), thereby cancelling his bail order and issuing non-bailable warrant against him, in case FIR No.40 dated 20.02.2023, under Sections 18, 25, 61, 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as – NDPS Act), registered at Police Station Samrala, District Khanna (Annexure P-1).

2. Learned counsel for the petitioner has argued that the petitioner, after being granted bail in the aforesaid case, was regularly appearing before the learned Trial Court but on 03.08.2024, he could not appear and the bail

granted to him was cancelled. It is further submitted that the said absence



was neither intentional nor deliberate. The petitioner approached the Court by filing petition for getting anticipatory bail but the same was dismissed vide order dated 05.11.2024, passed by learned Additional Sessions Judge, Ludhiana. The petitioner is ready to appear before the learned Trial Court and abide by all the terms and conditions imposed upon him. So, the impugned order dated 03.08.2024 be quashed.

3. Notice of motion.

4. Pursuant to advance notice, learned State counsel is present to assist the Court. She has submitted that since the petitioner has misused the concession of bail granted to him and has acted in a very casual manner, he cannot expect leniency from the Court of law any further.

5. I have heard the rival submissions of both the parties and have gone through the case file.

6. There is no dispute that the petitioner, after being granted concession of bail, did not appear before the concerned Court on 03.08.2024. The concerned Court was left with no option, but to cancel the bail and issue non-bailable warrant. However, a bare perusal of case file reveals that the petitioner was in custody in some other case and was informed the date in the present case as 03.10.2024 instead of 03.08.2024. So, he could not appear on 03.08.2024 but his absence was not willful, rather bona fide.

7. Keeping in view the peculiar circumstances of the case, the present petition is allowed and the impugned order dated 03.08.2024 is hereby quashed, subject to deposit of Rs.5000/- as costs with the District

Legal Services Authority. It is further clarified that in case, the petitioner

surrenders before the learned Trial Court within 15 days and move an application for bail, then the same shall be decided within a period of five days by passing a speaking order.

8. Pending applications, if any, shall stand disposed of along with this judgment.

November 13, 2024
monika

(GURBIR SINGH)
JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.