

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

358

CRM-M-61494-2023 (O&M)

Date of decision: 20.03.2024

MALKIT SINGH ALIAS GOLU

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Prashant Vashisth, Advocate for the petitioner(s).

Mr. Harpreet Singh, Additional AG Punjab.

SANJIV BERRY. J. (Oral)

1. The present petition under Section 482 CrPC has been preferred for setting aside the order dated 05.01.2023 (Annexure P-3), passed by learned Additional Sessions Judge, Ludhiana, whereby the bail of the petitioner was cancelled and his bail bonds were forfeited to the State in case FIR No.63 dated 18.05.2021 registered under Section 21 of the NDPS Act at Police Station Sidhwan Bet, Ludhiana Rural.

2. Learned counsel for the petitioner has submitted that in compliance to the order dated 13.12.2023 passed by this Court, the petitioner has surrendered in Court on 20.12.2023 and furnished his requisite bail bonds.

3. Learned State counsel has not disputed the aforesaid factum.

4. Heard.

5. During the course of hearing on 13.12.2023, the following order was passed:-

“2.Learned counsel for the petitioner, inter alia, contends that the petitioner, after having been granted bail in the aforesaid FIR (Annexure P-1) vide order dated 08.06.2021 (Annexure P-2), had been regularly appearing in the Court, however, he could not appear in Court on 05.01.2023, the date fixed in the Court, due to certain miscommunication leading to cancellation of bail and issuance of non-bailable warrants of arrest. He submits that the petitioner will not absent himself from proceedings in future and will appear in Court on each

and every date of hearing without fail and the petitioner is ready to deposit cost to show his bona fide intention.

3. Notice of motion.

4. Mr. Subhash Godara, Addl. A.G., Punjab, who, on advance notice is present in Court, accepts notice on behalf of the respondent-State.

5. Learned State counsel has submitted that the non-bailable warrants have been issued on account of the absence of the petitioner on the date fixed and he has not yet been declared as proclaimed offender in the case.

6. After considering the rival contentions and considering the fact that vide the impugned order, non-bailable warrants have been issued against the petitioner on account of his absence from proceedings and without commenting on the merits of the case, petitioner is directed to appear in the trial Court within seven days from today and in the event of his arrest, he is ordered to be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the concerned Court. He shall also abide by conditions as envisaged under Section 438(2) Cr.P.C. The petitioner will also furnish specific undertaking that in future, he will be appearing on each and every date of hearing without fail and only in case of extreme exigency, he will seek exemption from the Court in accordance with law for a particular date.

7. The petitioner is also burdened Rs. 5,000/- as costs to be deposited in Punjab and Haryana High Court Bar Clerks Association (details of which is mentioned below). The cost shall be deposited in the following account: -

Punjab and Haryana High Court Bar Clerks Association
Chandigarh Regd No. 2441/1995
Account Number 65004775776
State Bank of India
IFSC Code SBIN 0050306 High Court Branch.

8. Adjourned to 11.01.2024.”

6. Keeping in view the fact that the petitioner has already appeared in the Court consequent to the order dated 13.12.2023 passed by this Court, the present petition is allowed. The order dated 05.01.2023, passed by learned Additional Sessions Judge, Ludhiana is set aside and the interim bail granted vide order dated 13.12.2023 is hereby confirmed.

7. The petition stands allowed.

(SANJIV BERRY)
JUDGE

20.03.2024

S.Sharma(syr)

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