



CRM-M-58007-2024

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**119 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-58007-2024

Date of Decision: 28.11.2024

Boota Singh @ Doctor

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Sandeep Kumar, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for quashing of the order dated 11.10.2024 (Annexure P-3) passed by learned Judge, Special Court, Kapurthala, in FIR No.197, dated 17.07.2022 under Section 22 of NDPS Act, 1985 registered at Police Station Kotwali Kapurthala, District Kapurthala. whereby bail of the petitioner was cancelled and his bail/surety bonds were cancelled and forfeited to the State and he was ordered to be summoned through non-bailable warrants.

2. It has been contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case. He submits that the petitioner was granted regular bail by learned trial Court on 01.09.2022 and thereafter, he was regularly appearing before it. He submits that the petitioner met with an accident and suffered internal spine injury, due to which he could not appear before the trial Court and his bail was cancelled and bail/surety bonds were forfeited to the State and he was ordered to be summoned through warrants of arrest. He submits that absence of the petitioner was totally unintentional and due to the



circumstances beyond his control. He further submits that the petitioner is ready to appear before the trial Court and abide by all the terms and condition, if any imposed by this Court.

3. Notice of motion.

4. Mr. Tarun Aggarwal, Sr. DAG, Punjab, accepts notice on behalf of the State and has opposed the submissions made by counsel for the petitioner. He has further submitted that the learned trial Court has rightly cancelled the bail of the petitioner as on the date of hearing he had failed to appear before it.

5. Heard.

6. After hearing learned counsel for the parties and perusing the record, it is evident that due to alleged internal injury suffered in an accident, the petitioner failed to appear before the trial Court and on account of which his bail was cancelled and bail bonds/surety bonds were forfeited to the State and he was ordered to be summoned through non-bailable warrants. In these circumstances, when the petitioner is ready to join the trial and face the proceedings, the order dated 11.10.2024 is set aside subject to payment of Rs.10,000/- as cost to be paid to Day Care Centre for Elderly Disabled in home for Old & Destitute People, Sector-15, Chandigarh by the petitioner within period of seven days from today.

7. The petitioner is directed to appear before the trial Court within a period of ten days from today and file an appropriate application alongwith receipt of costs and the trial Court would grant him bail till the disposal of the case on his furnishing fresh bail/surety bonds to its satisfaction. The petitioner will have protection from arrest for a period of

10 days from today. The trial Court is free to impose any condition on the petitioner while admitting him to bail.

8. Needless to say that in case the petitioner fails to comply with the abovesaid direction, this order would be of no avail to her and the order dated 11.10.2024 will come in force and the present petition shall be deemed to have been dismissed.

9. Petition stands disposed of in abovesaid terms.

28.11.2024			(RAJESH BHARDWAJ)
sharmila			JUDGE
	Whether Speaking/Reasoned	:	Yes/No
	Whether Reportable	:	Yes/No