



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-58270-2024
DATE OF DECISION: 25.11.2024

RAM CHANDER ALIAS RAMU ...PETITIONER

Versus

STATE OF HARYANA ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. P.S. Hundal, Senior Advocatej with
Mr. Vikramjeet Singh, Advocate and
Ms. Arshpreet Kaur, Advocate for the petitioner(s).
Mr. B.S.Virk, Sr. DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

This petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita (B.N.S.S.), 2023, for setting aside order dated 24.09.2024 (Annexure P-2) passed by Addl. Sessions Judge, Fast Track Special Court, Sirsa vide which regular bail granted by the High Court in this case was cancelled by the A.S.J./ FTSC, Sirsa dated 24.09.2024 in FIR No. 152 dated 1.04.2022 under Section 15 of the NDPS Act 1985, Police Station City, Mandi Dabwali, District Sirsa.

Learned counsel for the petitioner submits that the petitioner sought exemption from personal appearance from the Trial Court and had filed application under Section 205/317 Cr.P.C. but on on date i.e. 31.07.2024, the Trial Court ordered that the petitioner would be exempted from personal appearance in case he deposits Rs. 1000/- as costs. In compliance to that order he paid Rs. 1000/- to the clerk of his counsel but the clerk could not deposit the same and therefore, the bail of the petitioner was cancelled and warrant of arrest was issued by the Trial Court. He

further submits that the petitioner did not had any intention to avoid



attendance in the Court proceedings otherwise he was appearing regularly on each and every date before the Court. He undertakes that the petitioner will surrender before the trial Court and shall join the trial proceedings without any delay or default in future and will co-ordinate in facilitation of the speeding up of the proceedings.

Notice of motion.

On the asking of the Court, learned State Counsel accepts notice on behalf of the respondent-State, who is not averse to the undertaking given by the petitioner that he will surrender before the trial Court on 30.11.2024.

Considering the submissions made by learned Senior counsel and also in appreciation of the fact that it will only speed up the proceedings before the Trial Court which is one of the essence as enshrined under Article 21 of the Constitution of India, the petitioner is directed to surrender before the trial Court on 30.11.2024 and apply for regular bail.

In case, such an application for bail is moved by the petitioner before the learned trial Court, the same shall be considered preferably on the same date and decided in accordance with law.

However, it is made clear that in case the petitioner does not abide by the aforesaid undertaking, the respondent/State shall be at liberty to move an appropriate application for revival of the instant petition.

The instant petition is disposed of in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

25.11.2024

anuradha

Whether speaking/reasoned Yes/No

Whether reportable Yes/No