



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

CRM-M-58354-2024

Date of Decision : **22.11.2024**

SUSHIL DHAKAD

.....Petitioner

VERSUS

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Sukhwinder Singh Dhillon, Advocate,
for the petitioner.

Mr.Pardeep Bajaj, DAG, Punjab.

KULDEEP TIWARI. J.(Oral)

1. Through the instant petition, prayer is made for quashing of impugned order dated 08.12.2022 (Annexure P-2), whereby, the bail granted to the petitioner has been cancelled, and his bail bonds/surety bonds have been forfeited to the State, and also his non-bailable warrants have been issued, in case FIR No.43, dated 27.02.2020, under Section 18 of the Narcotic Drugs and Psychotropic Substance Act, 1985, registered at Police Station Lambi, District Sri Muktsar Sahib (Annexure P-1).

2. In asking for the relief (*supra*), learned counsel for the petitioner submits that the petitioner was earlier granted the relief of regular bail by the learned Additional Sessions Judge, Sri Muktsar Sahib, vide order dated 06.06.2020 (Annexure P-3), and since then the petitioner was regularly appearing before the latter concerned, whereas, owing to

his non-appearance due to some miscommunication and misunderstanding about the date, the court concerned, proceeded to cancel his bail bonds, and non-bailable warrants were issued against the present petitioner to secure his presence vide impugned order dated 08.12.2022 (Annexure P-2). He further submits that the next date before the learned trial court concerned is 02.12.2024.

3. He further submits that petitioner has no intention to challenge the legality of the order (*supra*), passed by this Court, however, the petitioner is ready and willing to face the trial, and is ready to surrender before the learned trial Court concerned, in case adequate protection is granted to him.

4. *Per contra*, learned State counsel opposes the grant of relief (*supra*), to the present petitioner.

5. This Court has considered the rival submissions made by the learned counsel for both the parties concerned, and has gone through the entire case file.

6. Since an innocuous and a *bona fide* prayer has been made by learned counsel for the petitioner, therefore, without going into the legality of the impugned order, this Court directs the petitioner to surrender before the learned trial Court concerned on the next date of hearing i.e. 02.12.2024.

7. In case the petitioner surrenders before the learned trial Court concerned, on 02.12.2024, and furnishes fresh bail bonds and heavy surety bond, the same shall be accepted by the learned trial Court

concerned, however, subject to its satisfaction, and the petitioner shall be released on regular bail.

8. The petitioner is burdened with a cost of Rs.30,000/- to be deposited with the District Legal Services Authority concerned.

9. In the meanwhile, the arrest of the petitioner shall remain stayed.

10. However, in case, the petitioner fails to appear before the learned trial Court concerned on the date fixed, and furnishes bail and surety bonds, the protection granted hereinabove, *qua* his arrest shall *ipso facto* vacated, without any further reference to this Court.

11. However, this order would not preclude the learned trial court concerned, to conclude, the already initiated proceedings under the provisions of Section 491 BNSS, 2023 (old Section 446 Cr.P.C.).

12. **Disposed of** accordingly.

November 22, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No