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

CRM-M-58673-2024**Date of decision : 26.11.2024****Ajay Masih****.....Petitioner****Versus****State of Punjab****..... Respondents****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Gursharan Singh, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for quashing of order dated 05.09.2024 passed by learned Judge, Special Court, Gurdaspur in case FIR No.76 dated 14.08.2017 under Section 22/61 of NDPS Act, and Section 379 IPC, registered at Police Station Fatehgarh Churian, Police District Batala whereby non-bailable warrants of arrest of the petitioner were issued with all consequent proceedings arising out of the same. Further prayer has been made for staying the proceedings before the learned trial Court.

2. It has been contended by counsel for the petitioner that in the above said case the petitioner was on bail and was regularly appearing before the trial Court. However, on 05.09.2024, due to some unavoidable circumstances he remained absent from the Court and as a result thereof his bail order was cancelled and bail bonds were ordered to be forfeited to the State and non-bailable warrants of arrest were issued against him. He



submits that the petitioner has no criminal antecedents and he is ready to join the proceedings and abide by the terms and conditions of bail.

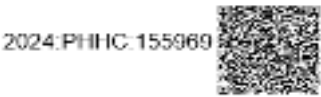
3. Notice of motion to official respondent only.

4. On asking of the Court, Mr. Tarun Aggarwal, Sr. D.A.G., Punjab accepts notice on behalf of the respondent-State.

5. Learned State counsel has opposed the submissions made by learned counsel for the petitioner and has stated that the trial Court has rightly cancelled the bail granted of the petitioner who remained absent on 05.09.2024 without any valid reason.

6. After hearing counsel for the petitioner and perusing the record, it is apparent that the petitioner remained absent on 05.09.2024 and his bail was cancelled and non-bailable warrants were issued. As submitted by counsel for the petitioner, due to some unavoidable circumstances, the petitioner could not appear before the trial Court. Now, the petitioner is keen to join the proceedings. So keeping in view the abovesaid facts, the present petition is disposed of and the impugned order dated 05.09.2024 is *set aside* subject to payment of Rs.5,000/- as costs to be paid to the **‘Spinal Rehab Centre, Chandigarh, Plot No.1, Madhya Marg, Sector-28/A, Chandigarh’** by the petitioner within one week from today. In case, the petitioner appears and surrenders before the Court concerned within a period of 10 days from today and files an application for bail alongwith receipt of abovesaid costs, the Court concerned is directed to admit him to bail subject to its satisfaction and proceed with the trial in accordance with law. He will have protection from arrest for a period of 10 days from today.

7. Needless to say that in case the petitioner fails to comply with the abovesaid direction, he will have no benefit of abovesaid protection



granted by this Court and order under challenge dated 05.09.2024 would come in force and the present petition shall be deemed to have been dismissed.

26.11.2024
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(RAJESH BHARDWAJ)
JUDGE

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