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

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Date of Decision:- 28.11.2024

Yuvraj Singh alias Guri

....Petitioner

Versus

State of Punjab

....Respondent

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Rajat Dogra, Advocate
for the petitioner.

Mr. Neeraj Madaan, Sr. DAG, Punjab.

* * * *

AMARJOT BHATTI, J. (Oral)

1. Petitioner Yuvraj Singh alias Guri has filed petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for setting aside impugned order dated 13.08.2024 (Annexure P-3) vide which learned Judge Special Court, Amritsar has cancelled bail order as well as bail bonds/surety bonds furnished by petitioner and he has been ordered to be summoned through non-bailable warrants of arrest in FIR No. 82 dated 03.06.2022 (Annexure P-1) under Section 21 and 22 of NDPS Act, registered at Police Station Raja Sansi, Amritsar Rural, District Amritsar.

2. Learned counsel for petitioner pointed out that he was granted regular bail vide order dated 02.07.2022 (Annexure P-2) passed by learned Judge, Special Court, Amritsar. Challan was presented in his absence. His



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presence was not procured and his bail order was wrongly cancelled and he was ordered to be summoned through arrest warrants. He is ready to face trial. It is submitted that he may be granted relief of bail by quashing impugned order dated 13.08.2024 (Annexure P-3).

3. Notice of motion.

4. On asking of this Court, Mr. Neeraj Madaan, Sr. DAG, Punjab accepts notice on behalf of State.

5. Heard.

6. Learned counsel for petitioner has placed on record all relevant *zimni* orders for disposal of present petition. It is matter of record that petitioner Yuvraj Singh alias Guri was granted bail vide order dated 02.07.2022. Challan was presented on 17.08.2023 in his absence. Thereafter, notice was issued to procure service of present petitioner but it was received back unserved on three occasions. Ultimately, bail order was cancelled, bail bonds and surety bonds were also cancelled and forfeited to State and he was ordered to be summoned through warrants of arrest vide order dated 13.08.2024 (Annexure P-3), for 21.11.2024. On this date, his arrest warrants were received back unexecuted and next date fixed for this purpose is 01.02.2025.

Considering the aforesaid *zimni* orders (Annexure P-3 and P-4), there does not appear intentional absence on his part. He was never personally served. Therefore, taking lenient view, petition filed by petitioner is allowed. Impugned order dated 13.08.2024 (Annexure P-3) is

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quashed with direction to surrender before trial Court within 10 days from today and be released on bail to the satisfaction of trial Court concerned, failing which trial Court may proceed as per law.

7. Pending miscellaneous application(s), if any, shall stands disposed of accordingly.

28.11.2024

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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No