



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

CRM-M-59710-2024
Date of decision: 29.11.2024

Gurmit Singh @ Kala and Another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Prateek Pandit, Advocate for the petitioners.

Mr. J.S. Dhaliwal, AAG, Punjab.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioners seeking quashing of order dated 21.12.2023 Annexure P-4 passed by the Court of Additional Sessions Judge, Jalandhar vide which the bail order of the petitioners were cancelled and they were directed to be summoned through non bailable warrants of arrest on account of their absence before the trial Court in a criminal case having FIR No.14 dated 06.02.2023, registered under Section 21(B), 21(C) of NDPS Act, Police Station Lohian, District Jalandhar (Rural).

2. Counsel for the petitioner inter alia submits that the aforesaid criminal case is relating to non commercial quantity of contraband and petitioners were granted regular bail by the learned trial Court vide order dated 18.03.2023 Annexure P-2 and thereafter, the petitioners were regularly attending the proceedings before the trial Court. However, the petitioners failed to appear in the trial Court on 21.12.2023, as they noted down wrong date and this resulted into passing of impugned order Annexure P-4. It is further submitted that absence of the petitioners before the trial Court on that date fixed was not intentional and the petitioners are ready and willing to join the proceedings in the trial Court at the earliest.



3. Notice of motion.

4. Mr. J.S. Dhaliwal, AAG, Punjab, accepts notice on behalf of the State and on instructions from SI Balbir Singh submits that earlier the petitioners were granted regular bail but they failed to come presented before the trial Court on 21.12.2023 without any intimation to the said Court and thus, impugned order Annexure P-4 was passed by the said Court in accordance with law. However, the State counsel has not disputed the fact that the case is relating to non commercial quantity of contraband.

5. Apparently, it appears that this was single default on the part of the petitioners.

6. In light of the above, without expressing any opinion on the merits of the case, the present petition is disposed of in the interest of justice and in order to avoid any further delay in trial, the petitioners are hereby directed to join proceedings before the trial Court within next 7 days and on their doing so, the petitioners are to be released on regular bail by the said Court to its own satisfaction and subject to cost of Rs.7,000/- to be deposited by the petitioners with the District Legal Services Authority concerned.

7. Disposed of in aforesaid terms. Needless to say that petitioners should remain careful in future and to appear on each and every date of hearing fixed in the trial.

29.11.2024

Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No