

CRM-M-59854-2024(O&M)

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2024-PHHC-158977



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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

CRM-M-59854-2024(O&M)

Date of Decision: 29.11.2024

PRINCE KUMAR

....Petitioner

VERSUS

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Abhishek Kathpal, Advocate for
Mr. Dhawaljeet, Advocate for the applicant/petitioner.

KARAMJIT SINGH, J. (Oral)

CRM-47340-2024

Allowed as prayed for.

CRM-M-59854-2024

Present petition has been filed by the petitioner seeking quashing of order dated 18.10.2024 (Annexure P-2) passed by the Ld. Judge, Special Court, Gurdaspur vide which the bail order of the petitioner was cancelled and he was directed to be summoned through non-bailable warrants of arrest on account of absence of the petitioner before the trial Court in criminal case having FIR No.88 dated 25.12.2021 registered under Sections 21 (b) of NDPS Act at Police Station Dorangla, District Gurdaspur.

2. Counsel for the petitioner, *inter alia* submits that the aforesaid criminal case is relating to recovery of non-commercial



quantity of contraband and the petitioner was granted regular bail by the Court concerned and thereafter, the petitioner was regularly appearing in the trial proceedings but he failed to appear before the trial Court on 18.10.2024 on account of his medical condition which resulted into passing of impugned order (Annexure P-2). It is further submitted that absence of the petitioner on the date fixed before the trial Court was not intentional and that the petitioner is ready to join the proceedings before the trial Court at the earliest.

3. Notice of motion.

4. Mr. Jasjeet Singh Dhaliwal, AAG, Punjab accepts notice on behalf of the State and on instructions from ASI Lekh Raj submits that no doubt the petitioner was earlier granted regular bail but he got absented on 18.10.2024 without intimation to the trial Court and consequently, the trial Court proceeded against the present petitioner in accordance with law and passed impugned order (Annexure P-2) and now non-bailable warrants of arrest of the petitioner are issued. However, the State counsel has not disputed the fact that the case is relating to recovery of non-commercial quantity of contraband.

5. Apparently, it appears that this was single default on part of the petitioner which resulted into passing of the impugned order (Annexure P-2).

6. In light of the above, without expressing any opinion on the merits of the case and in order to avoid any further delay in the trial, the present petition is hereby disposed of with direction to the petitioner to



appear before the learned trial Court within next 10 days and on his doing so, the petitioner is directed to be released on regular bail by the said Court to its own satisfaction subject to cost of Rs.7000/- to be deposited by the petitioner with District Legal Services Authority concerned.

7. The present petition is hereby disposed of in aforesaid terms. Needless to say that the petitioner is to remain careful in future and should appear before the trial Court on each and every date of hearing in trial.

29.11.2024

Priyanka Thakur

(KARAMJIT SINGH)
JUDGE

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