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CRM-M-60255-2024

2024.PHHC.171123



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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-60255-2024

Date of decision: 19.12.2024

PAWAN KUMAR ALIAS PAMMA

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Ms. Taranjit Kaur Hundal, Advocate and
Ms. Harnaaz Kaur Hundal, Advocate for the petitioner.

Mr. Amit Shukla, AAG Punjab.

.....

SANJIV BERRY, J. (ORAL)

The instant petition under Section 528 of BNSS, 2023 has been moved by the petitioner seeking quashing of the zimni order dated 14.11.2024 passed by learned Judge, Special Court, Jalandhar in case titled as '*State of Punjab vs. Sunil alias Jiuna etc.*', whereby the bail bonds of the petitioner were cancelled and was summoned through nonailable warrants of arrest for 12.12.2024.

2. Learned counsel for the petitioner *inter alia* contends that in compliance of the order dated 05.12.2024, petitioner appeared before the learned trial Court on 12.12.2024 and furnished requisite bail bonds, surety bonds and also deposited the costs as imposed by this Court and placed on record copy of order dated 12.12.2024 passed by learned Judge, Special Court, Jalandhar. He contends that since the petitioner has joined the trial



Court proceedings, as such the order dated 14.11.2024 passed by learned Judge, Special Court, Jalandhar whereby the bail bonds of the petitioner were cancelled and was summoned through nonailable warrants of arrest for 12.12.2024, be quashed.

3. Learned State counsel has not disputed the aforesaid factual matrix of the case and submits that petitioner appeared on 12.12.2024 before the learned trial Court and furnished requisite bail bonds.

4. Heard.

5. During the course of the proceedings, following order was passed on 05.12.2024:-

“ Heard.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner after having been granted concession of bail by this Court in case FIR No.91 dated 02.10.2023 (Annexure P-1) registered under Section 21(b) of NDPS Act registered at P.S. Lohian, District Jalandhar (Rural) Punjab vide CRM-M-3466-2024 dated 29.01.2024 (Annexure P-2), the petitioner had been regularly appearing before the learned Trial Court. However, she contends that on 14.11.2024 the petitioner had gone to attend the court in the morning, however, when the case was called in the afternoon, the petitioner could not appear because of some scuffle outside the court leading to the cancellation of his bail bonds and to be summoned through nonailable warrants of arrest for 12.12.2024.

3. Learned counsel for the petitioner further contends that the petitioner be granted the concession of bail and in future he will be regularly appearing on each and every date of hearing without fail.

4. Notice of motion.

5. On the asking of the Court, Mr. Rajinder Singh Bhatta, DAG Punjab, present in Court, accepts notice on behalf of the State-respondent and has not disputed the factual matrix of the case.

6. List on 19.12.2024.



7. *In the meanwhile, petitioner is directed to appear in the learned Trial Court on or before 12.12.2024, date already fixed there and in that event the petitioner is ordered to be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the learned Court subject to deposit of cost of Rs.5,000/- in the District Legal Services Authority, Jalandhar. The petitioner will also furnish a specific undertaking that in future he will appear on each and every date of hearing without fail and only in case of extreme exigency will seek prior exemption from the Court in accordance with law.*

8. *The petitioner will not leave the country without prior permission of the Court nor shall make any attempt to contact the complainant of the case or any witness associated with the case.”*

6. Keeping in view the fact that the petitioner has already appeared on 12.12.2024 before the learned trial Court and furnished requisite bail/surety bonds consequent to the order dated 05.12.2024, passed by this Court, the present petition is allowed and order dated 14.11.2024, passed by Judge, Special Court, Jalandhar, whereby the bail bonds of the petitioner were cancelled and was summoned through nonailable warrants of arrest for 12.12.2024 is hereby set aside and the interim bail granted vide order dated 05.12.2024 is hereby confirmed.

7. The Petition stands disposed of.

19.12.2024
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(SANJIV BERRY)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |