



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(223) CRM-M-61107-2024(O&M)
Date of Decision : 10.12.2024

IQVAL SINGH @ HAPPYPetitioner

VERSUS

STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Himanshu Bansal, Advocate,
for the petitioner.

Ms. Avneet, AAG, Punjab.

KULDEEP TIWARI. J.(Oral)

CRM-48346-2024

Heard.

Leave granted.

CRM-M-61107-2024

1. Through the instant petition, filed under Section 528 of BNSS, 2023, challenge is thrown to the order dated 20.11.2023 (Annexure P-4) passed by the learned Judge, Special Court, Bathinda in CNR No. PBBT01-007556-2022 titled as 'State Vs. Iqbal Singh @ Happy' in FIR No.145 of 04.07.2021, under Section 21-b of NDPS Act, registered at Police Station Canal Colony, District Bathinda, wherein, the personal bonds furnished by the petitioner were forfeited to the State and



non-bailable warrants of arrest has been issued against the present petitioner.

2. Learned counsel for the petitioner submits, that the petitioner was earlier granted the relief of regular bail by learned Additional Sessions Judge cum Judge Special Court, Bathinda, vide order dated 28.07.2021 (Annexure P-3), and the petitioner was continuously appearing before the learned trial Court concerned. On account of non-appearance of the petitioner on 20.11.2023, his personal bail bonds were forfeited to the State and non-bailable warrants were issued against him.

3. Though, the learned counsel for the petitioner has made efforts to challenge the legality of the order (supra), passed by the learned Judge Special Court, Bathinda, however, he could not succeed in his efforts. He further submits that the petitioner is ready and willing to surrender before the learned trial Court concerned. Thereafter, he made a request that direction be passed upon the learned trial Court concerned, to decide the regular bail application of the petitioner, on the same day.

4. The innocuous and *bona fide* prayer made by the learned counsel for the petitioner is accepted.

5. The petitioner is directed to cause appearance, within 10 days from today, before the learned trial Court, concerned. In case, the petitioner cause appearance and files an application for regular bail, before the learned trial Court concerned, the latter shall decide the bail application, on the same day itself, after giving an adequate opportunity of hearing to the parties concerned and imposing heavy surety upon the



petitioner.

6. The arrest of the petitioner, in pursuance of the non-bailable warrants issued against him, is stayed, for the next 10 days. In case, the petitioner fails to cause appearance within the next 10 days and fails to file application for regular bail, the interim protection granted by this Court, would *ipso facto* be vacated, without any further reference to this Court.

7. Disposed of accordingly.

10.12.2024
mamta

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No