

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-60674-2024
Date of Decision:03.12.2024

Harjit Singh @ Harjeet Singh @ Hira ...Petitioner

vs.

State of Punjab ...Respondent

Coram : Hon’ble Mr. Justice N.S.Shekhawat

Present : Mr. Harmanpreet Singh, Advocate
for the petitioner.

Mr. I.P.S Sabharwal, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 528 of B.N.S.S with a prayer to quash the impugned order dated 16.10.2024 (Annexure P-9) passed by the Court of Judicial Magistrate Ist Class, Amritsar in a case bearing No.CHA/1311/2023 titled as “ State of Punjab Vs. Harjit Singh @ Heera, arising out of FIR No.18, dated 27.01.2021, under Section 21 of the NDPS Act, registered at Police Station Kathu Nangal, District Amritsar Rural, whereby, the petitioner was ordered to be summoned through non-bailable warrants of arrest.
2. Learned counsel for the petitioner contends that the petitioner was falsely involved in the FIR, which was registered on 27.01.2021 and thereafter, he was ordered to be released on bail vide order dated 05.02.2021 (Annexure P-2). The final report under Section 173 Cr.P.C was presented against the petitioner before the Court on 03.08.2023 and the charges were

ordered to be framed against the petitioner on 18.10.2023. Learned counsel further contends that the petitioner was regularly appearing before the Trial Court and never misused the concession of bail. However, due to some misunderstanding, he could not appear before the Trial Court on 18.01.2024, 06.04.2024, 13.06.2024, 02.08.2024 and 16.10.2024. Due to non-appearance of the petitioner, the Trial Court had cancelled the bail and the bail bonds and surety bonds were ordered to be forfeited to the State and the petitioner was ordered to be summoned through non-bailable warrants of arrest. Learned counsel for the petitioner next contends that the petitioner is ready to surrender before the Court and shall join the trial proceedings. He further contends that the petitioner shall appear on each and every date of hearing, before the Trial Court and shall not absent himself during the Court proceedings.

3. Notice of motion.

4. Mr. I.P.S Sabharwal, DAG, Punjab, who is present in the Court, accepts notice on behalf of respondent-State.

5. Learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the petitioner had not appeared intentionally before the Trial Court and there is no illegality in the impugned order dated 16.10.2024 (Annexure P-9) passed by the Court below and the petitioner does not deserve the concession of bail.

6. I have heard the learned counsel for the parties and perused the record.

7. It is not in dispute that the petitioner was on bail earlier and was regularly appearing before the Trial Court, however, due to some misunderstanding, he could not appear before the Trial Court on some dates. Apart

from that, the petitioner is a poor person and could not engage a counsel. Thus, taking a lenient view of the matter, the petitioner is permitted to surrender before the Trial Court/Duty Magistrate within a period of two weeks from today subject to payment of Rs.20,000/- as cost with the **Punjab and Haryana High Court Bar Clerks Association** and on his surrender, he shall be admitted to bail subject to furnishing bail bonds and surety to the satisfaction of the concerned Court.

8. At the time of furnishing of bail bonds, the petitioner shall also file an affidavit before the concerned Court that he shall continue to appear before the Court on each and every date of hearing and shall not absent himself during the court proceedings, except with prior permission of the Court.
9. The Trial Court/Duty Magistrate shall also be at liberty to impose any other conditions, as it deems fit in the peculiar facts and circumstances of case.
10. The petition stands allowed in the above terms.

03.12.2024
hitesh

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No