



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

132

CRM-M-60843-2024(O&M)

Date of Decision: 09.12.2024

RAJESH KUMAR

....Petitioner

VERSUS

STATE OF PUNJAB

....Respondent

CORAM : HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Rajesh K. Dadwal, Advocate for the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition has been made for quashing of order dated 23.08.2024 passed by Special Court, Hoshiarpur in case arising out of FIR No. 10 dated 15.01.2021 registered under Section 21 of NDPS Act at Police Station Model Town, District Hoshiarpur whereby the bail of the petitioner was cancelled and his bonds were forfeited to State due to his non-appearance.

2. It is submitted by learned counsel for the petitioner that he could not appear on 23.08.2024 before learned Special Court, Hoshiarpur till date due to the reason that he was held guilty and convicted in another case bearing FIR No.117 dated 15.06.2021 registered at Police Station City, Hoshiarpur and had been taken into custody. He had been released only after passing of the order dated 13.11.2024 in CRA-S-1076-2024 (Annexure P-2). His absence was not intentional but was due to the reason as mentioned above. He is ready to join the proceedings before the learned trial Court and



to abide by terms and conditions to be imposed upon him. Therefore, it is urged that petition may be allowed.

3. Learned counsel for the petitioner has placed on record copy of order dated 23.08.2024 which reveals that non bailable warrants had been issued against him for 11.11.2024. Learned counsel for the petitioner has submitted that since the fact that the petitioner was in custody in some other case has come to the knowledge of the Court now, production warrants have been ordered to be issued for 07.01.2025 though the petitioner had been released in the aforementioned case. On perusal of the record, this Court is satisfied that the absence of the petitioner was not intentional but due to the reason that he was taken into custody in the case FIR No.117 dated 15.6.2014 at Police Station Hoshiarpur. Accordingly, the petition is disposed of with direction to the petitioner to surrender before the learned trial Court on or before the date fixed and on his doing so and on moving appropriate application for grant of bail, the learned trial Court shall admit him to bail subject to his furnishing personal as well as surety bonds to its satisfaction.

4. Petition stands disposed of.

5. A copy of this order be sent to the learned trial Court.

09.12.2024

Deepak Patwal

(MANISHA BATRA)

JUDGE

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No