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

CRM-M-60922-2024**Date of decision : 04.12.2024****Chirag****.....Petitioner****Versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Kuljinder Singh Billing, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for quashing of order dated 29.11.2024 passed by learned Additional Sessions Judge, Rupnagar in case No.NDPS-159-2022 in FIR No.82 dated 17.07.2022 under Section 18, 61 of NDPS Act, registered at Police Station Anandpur Sahib, District Rupnagar, whereby bail order of the petitioner is cancelled and further the bail bonds and surety bonds of petitioner were cancelled and forfeited to the State and non-bailable warrants of arrest of the petitioner were issued for 10.02.2025.

2. It has been contended by counsel for the petitioner that in the above said case the petitioner was implicated on the basis of the allegations that opium, which was in small quantity, was recovered from him. He submits that he was granted bail by the trial Court and was regularly appearing before the trial Court. However, on 29.11.2024, petitioner was suffering from fever, Nausea, vomiting and body ache and due to his illness, he remained absent from the Court and as a result thereof his bail order was cancelled and bail bonds were ordered to be



forfeited to the State and non-bailable warrants of arrest were issued against him. He submits that the absence of the petitioner was not intentional and he is ready to join the proceedings and abide by the terms and conditions of bail.

3. Notice of motion to official respondent only.

4. On asking of the Court, Mr. Tarun Aggarwal, Sr. D.A.G., Punjab accepts notice on behalf of the respondent-State.

5. Learned State counsel has opposed the submissions made by learned counsel for the petitioner and has stated that the trial Court has rightly cancelled the bail granted of the petitioner who remained absent on 29.11.2024 without any valid reason.

6. After hearing counsel for the petitioner and perusing the record, it is apparent that the petitioner remained absent on 29.11.2024 and his bail was cancelled and non-bailable warrants were issued. As submitted by counsel for the petitioner, due to his illness, the petitioner could not appear before the trial Court. Now, the petitioner is keen to join the proceedings. So keeping in view the abovesaid facts, the present petition is disposed of and the impugned order dated 29.11.2024 is *set aside* subject to payment of Rs.5,000/- as costs to be paid to the **‘Spinal Rehab Centre, Chandigarh, Plot No.1, Madhya Marg, Sector-28/A, Chandigarh’** by the petitioner within one week from today. In case, the petitioner appears and surrenders before the Court concerned within a period of 10 days from today and files an application for bail alongwith receipt of abovesaid costs, the Court concerned is directed to admit him to bail subject to its satisfaction and proceed with the trial in accordance with law. He will have protection from arrest for a period of 10 days from today.



7. Needless to say that in case the petitioner fails to comply with the abovesaid direction, he will have no benefit of abovesaid protection granted by this Court and order under challenge dated 29.11.2024 would come in force and the present petition shall be deemed to have been dismissed.

04.12.2024
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(RAJESH BHARDWAJ)
JUDGE

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