



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

CRM-M-62779-2024

Date of Decision : **13.12.2024**

RAMBIR

.....Petitioner

VERSUS

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Mohit, Advocate,
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

KULDEEP TIWARI. J.(Oral)

1. The present petition has been filed seeking quashing of impugned order dated 31.07.2024 (Annexure P-2) passed by the learned Additional Sessions Judge, Fatehabad, whereby, the bail of the petitioner has been cancelled, and bail bonds/surety bonds have been forfeited to the State, and his non-bailable warrants have been issued, in case FIR No.18, dated 28.01.2021, registered under Section 18 of the the Narcotic Drugs and Psychotropic Substance Act, 1985, at Police Station Bhuna, District Fatehabad.

2. In asking for the relief (*supra*), learned counsel for the petitioner submits that the petitioner was earlier released on regular bail by the learned trial court concerned, vide order dated 07.02.2022 (Annexure P-3), and since then the petitioner was regularly appearing before the learned trial Court concerned, despite being in custody in

another FIR No.322, dated 25.10.2016. Thereafter, the petitioner was shifted to some another jail, therefore, he could not contact his counsel, and due to his non-appearance, his bail in the instant FIR, was cancelled vide impugned order (*supra*) by the learned trial Court concerned, and warrants of arrest were issued. The present petitioner came to know about the impugned order (*supra*), when the petitioner was not released after his sentence was suspended in FIR no.322 (*supra*).

3. He further submits that absence of the present petitioner was not willful or intention but due to him being in custody in FIR no.322 (*supra*), however, the petitioner is ready and willing to face the trial, and is ready to surrender before the learned trial Court concerned, in case adequate protection is granted to him.

4. *Per contra*, learned State counsel opposes the grant of relief (*supra*), to the present petitioner.

5. This Court has considered the rival submissions made by learned counsel for both the parties concerned, and has gone through the entire case file.

6. Since an innocuous and a *bona fide* prayer has been made by learned counsel for the petitioner, without going into the legality of the impugned order, this Court directs the petitioner to surrender before the learned trial Court concerned within 15 days from today.

7. In case the petitioner surrenders before the learned trial Court concerned, within a stipulated time and upon furnishing fresh bail and surety bonds, the same shall be accepted by the latter concerned,

however, subject to its full satisfaction, and thereafter, the petitioner shall be released on bail.

8. In the meanwhile, the arrest of the petitioner shall remain stayed.

9. The petitioner is burdened with a cost of Rs.5000/- to be deposited in the District Legal Services Authority concerned.

10. However, in case, the petitioner fails to appear before the learned trial Court concerned within 15 days from today, the protection granted hereinabove, *qua* his arrest shall *ipso facto* vacated, without any further reference to this Court.

11. **Disposed of accordingly.**

December 13, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

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