



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

244

CRM-M-63038-2024
Date of Decision: 19.12.2024

DEEPAK KUMAR

...PETITIONER

Versus

STATE OF PUNJAB

... RESPONDENT

CORAM : HON'BLE MR. JUSTICE N. S. SHEKHAWAT

Present: Mr. Japjit Singh Johal, Advocate
for the petitioner.

Mr. Deepinder Singh Brar, Sr. DAG, Punjab.

N. S. SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to quash the impugned order dated 27.11.2024 (Annexure P-4) passed by the Court of Additional Sessions Judge, Hoshiarpur in a case arising out of FIR No.153, dated 22.08.2024, under Section 22 of the Narcotics Drugs and Psychotropic Substances Act, 1985 (Section 29 of the NDPS Act, 1985 added later on), whereby the bail of the petitioner was cancelled 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 and all other subsequent proceedings arising out therefrom.

2. Learned counsel for the petitioner contends that the petitioner was falsely involved in the present FIR and thereafter, he was ordered to be released on bail. 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 unavoidable circumstances, he could not appear before the Trial Court on 27.11.2024. 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. Deepinder Singh Brar, Sr. 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 27.11.2024 (Annexure-P-4) 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, on one date i.e. 27.11.2024, he could not appear before the Trial Court. 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 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.

19.12.2024
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(N. S. SHEKHAWAT)
JUDGE

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