

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

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**CRM-M-63421-2024
DATE OF DECISION: 17.12.2024**

RAJWINDER SINGH ALIAS GOSHA**...PETITIONER****Versus****STATE OF PUNJAB****... RESPONDENT****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. G.S. Sandhu, Advocate for the petitioner(s).

Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 528 of BNSS, 2023 for quashing of the impugned order dated 05.07.2024 (Annexure P-3) bearing NDPS- 187 of 2020, dated 27.08.2020 CNR No. PBSM010021242020 passed by Additional Sessions Judge, Sri Muktsar Sahib in case FIR No.0047 dated 10.07.2019, Under Section 22 of NDPS Act 1985, Police Station Bariwala, District Sri Muktsar Sahib (Annexure P-1) whereby the bail bonds and surety bonds of the petitioner stands forfeited to State.

Learned counsel for the petitioner submits the petitioner could not appear in Court on one date i.e. 05.07.2024 having poor legal assistance and as a result on 05.07.2024 his bail was cancelled and surety bonds of the petitioner stands forfeited to State. He submits that the petitioner did not had any intention to avoid attendance in the Court proceedings but the situation was beyond his control otherwise he was

appearing regularly on each and every date before the Court. He undertakes that the petitioner will surrender before the trial Court and shall join the trial proceedings without any delay or default in future.

Notice of motion.

On the asking of the Court, learned State Counsel accepts notice on behalf of the respondent-State, who is not averse to the undertaking given by the petitioner that he will surrender before the trial Court.

Considering the submissions made by learned counsel and also in appreciation of the fact that it will only speed up the proceedings before the Trial Court which is one of the essence as enshrined under Article 21 of the Constitution of India, the petitioner is directed to surrender before the trial Court within a period of 10 days from today and apply for regular bail.

In case, such an application for bail is moved by the petitioner before the learned trial Court, the same shall be considered on the same date and decided in accordance with law.

However, it is made clear that in case the petitioner does not abide by the aforesaid undertaking, the respondent/State shall be at liberty to move an appropriate application for revival of the instant petition.

The aforesaid order/concession to the petitioner shall be subject to payment of costs of Rs.10,000/- to be deposited with the Punjab and Haryana High Court Bar Clerk Association, Chandigarh and a receipt of the same be produced before the Trial Court and only in that

eventuality, application of the petitioner for seeking bail be considered and decided on the same day in accordance with law.

The instant petition is disposed of in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

17.12.2024
anuradha

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>