

2024.PHIIIC.171178



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

CRM-M-64500-2024

Date of Decision : **19.12.2024**

AMARJIT SINGH @ NIKKA

.....Petitioner(s)

VERSUS

STATE OF PUNJAB

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Yajur Sharma, Advocate,
for the petitioner(s).

Mr.Pardeep Bajaj, DAG, Punjab.

KULDEEP TIWARI. J.(Oral)

1. The present petition has been filed seeking quashing of impugned order dated 03.12.2024 (Annexure P-4) passed by the learned Additional Sessions Judge, Amritsar, whereby, the bail of the petitioner(s) 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.156, dated 20.06.2022, registered under Section(s) 21 of the NDPS Act, at Police Station Jandiala, District Amritsar (Annexure P-1).

2. In asking for the relief (*supra*), learned counsel for the petitioner submits that the petitioner was earlier granted the relief of interim regular bail by the learned Judge, Special Court, Amritsar, vide order dated 05.08.2022 (Annexure P-2), and since then the petitioner was regularly appearing before the latter concerned, whereas, owing to his

non-appearance due to inadvertently noting down the wrong date, the latter concerned proceeded to cancel his bail bonds, and non-bailable warrants were issued against the present petitioner to secure his presence vide impugned order dated 03.12.2024 (Annexure P-4).

3. He further submits that petitioner has no intention to challenge the legality of the order (*supra*), passed by this Court, 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 the 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 on or before 15.01.2025, and to furnish fresh his bail and surety bonds, to the satisfaction of the latter concerned.

7. In case the petitioner surrenders before the learned trial Court concerned, within the stipulated time, and upon furnishing the requisite bonds, the same shall be accepted by the latter concerned, and the petitioner shall be released on regular bail.

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

9. The petitioner is burdened with a cost of Rs.5,000/- to be deposited with the District Legal Services Authority concerned.

10. However, in case, the petitioner fails to appear before the learned trial Court concerned on or before 15.01.2025, the interim protection granted hereinabove, *qua* his arrest shall *ipso facto* vacated, without any further reference to this Court.

11. This order would not preclude the learned trial court concerned, to conclude, the already initiated proceedings under the provisions of Section 491 BNSS, 2023 (old Section 446 Cr.P.C.).

12. **Disposed of** accordingly.

19.12.2024
dharamvir

(KULDEEP TIWARI)
JUDGE

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