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

CRM-M-64761-2024**Date of decision : 20.12.2024****Gurpreet @ Maddi****.....Petitioner****Versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Vishesh Dogra, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for quashing of impugned order dated 23.10.2023 passed in case No.NDPS-49-2020 titled as 'State of Punjab Vs. Gurpreet @ Madhi' in FIR No.65 dated 06.08.2019 under Section 22 of NDPS Act, registered at Police Station Bilga, District Jalandhar, vide which the bail order along with bail and surety bonds of the petitioner were cancelled and forfeited to the State and non-bailable warrants of arrest of the petitioner were issued and for quashing of impugned order dated 11.03.2024, whereby written proclamation under Section 82 of Cr.P.C. was issued against the petitioner. Further prayer has been made for staying the operation of the impugned order.

2. It has been submitted by learned counsel for the petitioner that the petitioner was regularly appearing before the trial Court. He has submitted that on 23.10.2023, the petitioner informed his counsel that application for exemption from personal appearance may kindly be made as due to unavoidable circumstances, he could not appear before the trial

Court but counsel for the petitioner failed to do the needful and thus the



case was adjourned for 20.11.2023 and nonailable warrants were issued against the petitioner and his bail order was cancelled and bail bonds and surety bonds were forfeited to the State. He has submitted that the petitioner contacted his counsel many times to know about the status of the case but counsel for the petitioner has not informed anything to the petitioner and thus, on 11.03.2024, due to his absence proclamation was issued against the petitioner. He has submitted that absence of the petitioner was totally unintentional. He has further submitted that the petitioner is ready and willing to appear before the trial Court and comply with all the conditions imposed upon him.

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 23.10.2023 without any valid reason.

6. After hearing counsel for the petitioner and perusing the record, it is apparent that the petitioner remained absent on 23.10.2023 and his bail was cancelled and non-bailable warrants were issued. As submitted by counsel for the petitioner, the reason for his absence has been given that he was not aware about the date fixed. 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 orders dated 23.10.2023 and 11.03.2024 are *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 orders under challenge dated 23.10.2023 and 11.03.2024 would come in force and the present petition shall be deemed to have been dismissed.

20.12.2024
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(RAJESH BHARDWAJ)
JUDGE

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