



169 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-65151-2024

Date of Decision: 20.12.2024

BALVINDER SINGH AND ANOTHER

...Petitioners

Vs.

STATE OF HARYANA

...Respondent

CORAM:- HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. G.S. Hundal, Advocate for the petitioners.

SANDEEP MOUDGIL, J. (Oral)

The present petition has been filed under Section 528 of Bhartiya Nagarik Suraksha Sanhita for setting aside of order dated 16.12.2024 in FIR No. 387, dated 17.10.2022, under Sections 15/25/29/ 61 of the NDPS Act, 1985, registered at Police Station Madhuban, Karnal (Haryana) vide which the bail of the petitioners were cancelled and bail bonds and surety bonds were forfeited to the state (Annexure P-5).

Learned counsel for the petitioners submits that it is only on 16.12.2024, on which the petitioners could not appear before the trial Court though they have been consistently appearing before it in furtherance of trial and is not at all intending to evade the process of law. He further contends that the said absence has taken place on account of being apprehended by the CIA staff on the way and due to their absence on 16.12.2024, their bail stands canceled and bail/surety bonds were forfeited to the State and are summoned through non-bailable warrants for 08.01.2025.

He undertakes that the petitioners 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, Mr. Chetan Sharma, DAG, Haryana, accepts notice on behalf of the respondent-State, who is not averse to the undertaking given by the petitioners that they will surrender before the trial Court.

In view of the above, the petitioners are directed to surrender before the trial Court within one weeks from today and apply for regular bail.

In case, such an application for bail is moved by the petitioners 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 petitioners 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 petitioners shall be subject to payment of costs of Rs.10,000/- to be deposited with the Punjab and Haryana High Court Bar Association, Chandigarh (Account No.65035682434, IFSC Code: SBIN0050306) 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.

The instant petition is disposed of in the aforesaid terms.

20.12.2024

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(SANDEEP MOUDGIL)
JUDGE

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