



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

399

CRM-M-692-2025 (O&M)

Date of decision : 29.04.2025

SAMEER @ GHARU

....PETITIONER

V/S

STATE OF PUNJAB

...RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr.Rahul Kumar Adia, Advocate
for the petitioner.

Mr. Rajinder Singh Bhatta, DAG, Punjab.

SANJIV BERRY, J.(ORAL)

By way of present petition filed under Section 528 of BNSS, 2023, petitioner seeks quashing of impugned order dated 21.11.2024 (Annexure P-2) passed by learned Judge, Special Court, Ludhiana, vide which the bail of the petitioner has been cancelled and bail bonds and surety bonds has been ordered to be forfeited to the State in a case No. NDPS-399-2024 in the FIR No.16 dated 18.01.2024, under Sections 21-B, 61, 85 of NDPS Act, 1860 registered at Police Station Salem Tabri. Ludhiana, District Ludhiana.

2. It is, *inter alia*, contended by learned counsel for the petitioner that in compliance to the order passed by this Court on 10.01.2025, the



petitioner has appeared before the learned trial Court and furnished the requisite bail bonds. In support of his contention, he has placed on record copy of order dated 20.01.2025 passed by learned Additional Sessions Judge, Ludhiana, in this regard.

3. Learned State counsel has not disputed this aspect qua the petitioner having appeared before the learned trial Court and having furnished the bail bonds as per the order dated 10.01.2025 passed by this Court.

5. During the course of hearing on 10.01.2025, following order was passed:

“The instant petition under Section 528 of BNSS, 2023, for setting aside the impugned order dated 21.11.2024 (Annexure P-2) passed in the trial of the case No. NDPS-399-2024 in the FIR No.16 dated 18.01.2024 registered under Sections 21-B of NDPS Act, 1860, at P.S. Salem Tabri, Ludhiana, District Ludhiana (Annexure P-1) vide which the trial Court has cancelled the bail bonds and surety bonds and issued non-bailable warrants against the petitioner.

2. *It is, inter alia, contended by learned counsel for the petitioner that the petitioner, after having been arrested in case FIR (Annexure P-1) was granted concession of bail vide order dated 27.02.2024 passed by the Court of learned Judge, Special Court, Ludhiana, and thereafter, the petitioner has been regularly appearing before the learned trial court on each and every date without fail, however, due to the petitioner as well as his counsel having wrongly noted the date, the*



petitioner could not appear before the learned trial Court on 21.11.2024 leading to cancellation of his bail and issuance of non-bailable warrants of arrest for 20.01.2025 vide order dated 21.11.2024 (Annexure P-2). He submits that the absence of the petitioner was not intentional on that day and he will regularly appear in Court on each and every date of hearing after granted concession of bail. Hence, the petition.

3. *Notice of motion.*

4. *On the asking of the Court, Mr. Rajinder Singh Bhatta, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondent- State and has not disputed the factual matrix of the case.*

5. *Considering the facts and circumstances and without commenting on the merits of the case, the petitioner is hereby directed to appear before the learned Trial Court/Judge on duty on or before 20.01.2025 and in the event of his arrest, he is ordered to be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the concerned trial Court/Judge on duty. The petitioner is further directed to furnish specific undertaking before the concerned Court that he will regularly appear on each and every date of hearing and in case of any exigency, he will seek exemption from the Court in accordance with law.*

6. *The petitioner is also burdened with cost of Rs.5,000/- to be deposited with the District Legal Services Authority, Ludhiana, as a condition precedent for his admission to interim bail.*

7. *List on 28.01.2025”*



6. Keeping in view the fact that the petitioner has already appeared in the Court and furnished his requisite bail/surety bonds consequent to the order dated 10.01.2025, passed by this Court, the present petition is allowed. The order dated 21.11.2024, passed by learned Judge, Special Court, Ludhiana, stands quashed and the interim bail granted vide order dated 10.01.2025 is hereby confirmed.

7. The petition stands disposed of.

29.04.2025

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(SANJIV BERRY)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |