



CRM-M-2118-2025

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

CRM-M-2118-2025

Date of Decision: 06.02.2025

Yogesh Kapoor

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Brijeshwar Singh Bhalla, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for setting aside the order dated 08.11.2021 (Annexure P-3) in FIR No.175 dated 30.06.2019, registered under Section 22 of the NDPS Act, 1985, at Police Station Sadar Amritsar, District Police Commissionerate Amritsar.

2. It has been contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case. He submits that the petitioner was granted regular bail by learned trial Court vide order dated 30.08.2019 and thereafter, he was regularly appearing before the Court before the outbreak of Covid-19. He submits that during Covid presence of the petitioner was exempted and it was observed that he would be informed about the next date, however, meanwhile the petitioner shifted his residence and he did not receive any notice from the Court. He has further submitted that due to non-appearance of the petitioner, on 08.11.2021, his bail was cancelled and bail/surety bonds were forfeited to the State and arrest warrants were issued against him. He submits that absence of the petitioner was totally unintentional and due to the circumstances beyond his control. He further submits that the petitioner is



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ready to appear before the trial Court and abide by all the terms and conditions, if any imposed by this Court.

3. Notice of motion.

4. Mr. Tarun Aggarwal, Sr. DAG, Punjab, accepts notice on behalf of the State and has opposed the submissions made by counsel for the petitioner. He has submitted that learned trial Court has rightly cancelled the bail of the petitioner, as he intentionally did not appear before it, on the date fixed.

5. After hearing learned counsel for the parties and perusing the record, it is evident that due to non-appearance of the petitioner on 08.11.2021, his bail was cancelled and his bail bonds/surety bonds were forfeited to the State and he was ordered to be summoned through non-bailable warrants. The reason for non-appearance before the Court on the date fixed, as given by the petitioner is shifting of residence by him. The Court without going into the authenticity of the ground taken for the absence of the petitioner, deems it appropriate to direct the petitioner to face the trial in the present case. In these circumstances, when the petitioner is ready to join the trial and face the proceedings, the order dated 08.11.2021 is set aside subject to payment of Rs.25,000/- as costs to be paid to Spinal Rehab Centre, Chandigarh, Plot No.1, Madhya Marg, Sector-28-A, Chandigarh by the petitioner within period of seven days from today.

6. The petitioner is directed to appear before the trial Court within a period of ten days from today and file an appropriate application alongwith receipt of costs and the trial Court would grant him bail till the disposal of the case on his furnishing fresh bail/surety bonds to its

satisfaction. The petitioner will have protection from arrest for a period of 10 days from today. The trial Court is free to impose any condition on the petitioner while admitting him to bail.

7. Needless to say that in case the petitioner fails to comply with the abovesaid direction, this order would be of no avail to him and the order dated 08.11.2021 will come in force and the present petition shall be deemed to have been dismissed.

8. Petition stands disposed of in abovesaid terms.

06.02.2025

sharmila

Whether Speaking/Reasoned

Whether Reportable

:

:

Yes/No

Yes/No

(RAJESH BHARDWAJ)

JUDGE