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

CRM-M-3938-2025

Date of Decision: 27.01.2025

Arjan Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

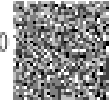
CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Ruhani Chadha, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for quashing of the impugned order dated 03.01.2025 (Annexure P-9), passed by learned Special Judge, Hoshiarpur in FIR No.94 dated 30.05.2021, registered under Sections 22 of NDPS, Act, 1985, at Police Station Mukerian, District Hoshiarpur, whereby bail of the petitioner was cancelled and his bail/surety bonds were forfeited to the State and the petitioner was ordered to be summoned through non-bailable warrants.

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 23.06.2021. He submits that earlier due to unavoidable circumstances, the petitioner could not appear before the trial Court on 29.09.2023 and his bail was cancelled and he was directed to be summoned through non-bailable warrants. He submits that the petitioner approached this Court by way of filing CRM-M-56858-2023 challenging the order dated 29.09.2023 and he was directed to surrender before the trial Court. He submits that thereafter, the petitioner surrendered on 21.02.2024 and he was granted regular bail on 14.03.2024. He further submits that due to noting of wrong



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date by the petitioner, he could not appear on 03.01.2025 and thus, his bail was cancelled and his bail/surety bonds were forfeited to the State and he was ordered to be summoned through non-bailable warrants. 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 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 is habitual of remaining absent from the Court as on earlier occasion also he absented himself and was got relief from this Court.

5. After hearing learned counsel for the parties and perusing the record, it is evident that due to alleged noting of wrong date, the petitioner could not appear before the trial Court on 03.01.2025 and 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. In these circumstances, when the petitioner is ready to join the trial and face the proceedings, the order dated 03.01.2025 is set aside subject to payment of Rs.10,000/- as costs to be paid to Sadhna Society for Mentally Handicapped, Near Housing Board Chowk, Raen Basera Building, Manimajra, Sector 13, 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 his 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 03.01.2025 will come in force and the present petition shall be deemed to have been dismissed.
8. Petition stands disposed of in abovesaid terms.

27.01.2025

sharmila

(RAJESH BHARDWAJ)

JUDGE

Whether Speaking/Reasoned

Whether Reportable

:

:

Yes/No

Yes/No