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

**CRM-M No.7762 of 2025
Date of decision : 11.02.2025**

Kulwant Singh @ Kati**.....Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Lakshay Bector, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed praying for quashing of order dated 03.01.2025 (Annexure P-5) passed by the learned Additional Sessions Judge, Ludhiana in FIR No.137, dated 24.07.2023, registered at Police Station Sidhwan Bet, District Ludhiana, under Sections 21 & 25 of NDPS Act (Section 29 of NDPS Act added later on) (Annexure P-1), vide which the learned trial Court cancelled bail bonds and surety bonds of the petitioner and forfeited them to State and further issued nonailable warrants against the petitioner.

2. Precise submission made by learned counsel for the petitioner is that the petitioner was prosecuted in the case bearing FIR No.137, dated 24.07.2023, for offences under Sections 21 & 25 of NDPS Act (Section 29 of NDPS Act added later on). He has submitted that the petitioner has been falsely implicated in the present FIR. After registration of the FIR, the petitioner was granted bail by this Court vide order dated 13.10.2023



(Annexure P-2). He has submitted that after granting of the bail, the petitioner was regularly appearing before the trial Court. He has further submitted that wife of the petitioner was pregnant and was going through some health issues and was advised complete bed rest from 02.01.2025 to 02.01.2025 and due to the said reason, he could not appear before the trial Court on the date fixed i.e. 03.01.2025. He has submitted that due to the absence of the petitioner, the learned trial Court had cancelled the bail order of the petitioner and bail bonds and surety bonds were forfeited to the State vide order dated 03.01.2025. He has further submitted that the learned trial Court issued warrants of arrest against the petitioner. He has submitted that absence of the petitioner was bona fide and not intentional and he never misuse the concession of bail granted to him. He has submitted that the petitioner is ready to appear before the learned trial Court and abide by the terms and conditions imposed upon him.

3. Notice of motion.

4. On the asking of the Court, Mr. Tarun Aggarwal, Sr. DAG, Punjab appears and accepts notice on behalf of the respondent-State. He on the other hand has contended that the warrants of arrest were rightly issued against the petitioner and he is liable to be prosecuted in the said case, as he had failed to appear in the Court despite orders.

5. I have heard counsel for the parties and perused the record.

6. It is apparent that the petitioner was prosecuted in case FIR No.137, dated 24.07.2023, for offences under Sections 21 & 25 of NDPS Act (Section 29 of NDPS Act added later on) in which warrants of arrest was issued against him due to his absence. The reason for his absence has been given by the petitioner that his wife was pregnant and advised

complete bed rest. As the petitioner is keen to join the proceedings, so keeping in view the abovesaid facts, the present petition is disposed of and the impugned order dated 03.01.2025 (Annexure P-5) is hereby *set aside* subject to payment of costs of Rs.10,000/- to be deposited with the Day Care Centre for Elderly Disabled Home for Old & Destitute People, Sector 15, 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 order under challenge dated 03.01.2025 would come in force and the present petition would be deemed to have been dismissed.

11.02.2025
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(RAJESH BHARDWAJ)
JUDGE

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