



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

CRM-M-8118-2025

Date of decision: 24.02.2025

KARISHNA

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Ms. Nandini Sharma, Advocate for
Mr. Umesh Aggarwal, Advocate for the petitioner.

Mr. Ankit Grewal, DAG Punjab.

.....

SANJIV BERRY, J. (ORAL)

The instant petition under Section 528 BNSS, 2023 has been moved by the petitioner seeking setting aside of the order dated 25.10.2024 (Annexure P-4) passed by learned Judge Special Court, Amritsar in case No.NDPS403/2024 titled as '*State vs. Hira Singh etc*', whereby the bail order dated 02.08.2024 (Annexure P-2) was cancelled leading to issuance of non-bailable warrants of arrest and bail bonds/surety bonds were forfeited.

2. Learned counsel for the petitioner *inter alia* contends that in compliance of the order dated 13.02.2025, petitioner appeared before the learned trial Court on 17.02.2025 and furnished requisite bail bonds, surety bonds and also deposited the costs as imposed by this Court and placed on record copy of order dated 17.02.2025 passed by learned Additional Sessions Judge, Amritsar. She contends that since the petitioner has joined



the trial Court proceedings, as such the order dated 25.10.2024 (Annexure P-4) passed by learned Judge Special Court, Amritsar whereby, the bail order dated 02.08.2024 (Annexure P-2) was cancelled leading to issuance of non-bailable warrants of arrest and bail bonds/surety bonds were forfeited, be quashed.

3. Learned State counsel has not disputed the aforesaid factual matrix of the case and submits that petitioner appeared on 17.02.2025 before the learned trial Court and furnished requisite bail bonds.

4. Heard.

5. During the course of the proceedings, following order was passed on 13.02.2025:-

“ Instant petition has been preferred under Section 528 of the BNSS, 2023 seeking setting aside of the order dated 25.10.2024 (Annexure P-4) passed by learned Judge Special Court, Amritsar in case No.NDPS403/2024 titled ‘State vs. Hira Singh etc.’ whereby the bail order dated 02.08.2024 (Annexure P-2) was cancelled leading to issuance of non-bailable warrants of arrest and bail bonds/surety bonds were forfeited.

2. Learned counsel for the petitioner, inter alia contends that after being arrested in case FIR bearing No.125 dated 24.06.2024 registered under Sections 21, 29, 61 and 85 of the NDPS Act, P.S. Ajnala, Amritsar (Annexure P-1), the petitioner was granted concession of bail by learned Judge, Special Court, Amritsar vide order dated 02.08.2024 (Annexure P-2).

3. He further contends that thereafter the petitioner had been regularly appearing in the learned Trial Court. However, on 25.10.2024 he could not appear before the learned Trial Court having been wrongly noted the date as 25.01.2025 leading to the cancellation of his bail and issuance of non-bailable warrants of arrest by learned Judge, Special Court, Amritsar in case ‘State vs. Hira Singh etc.’ bearing No.NDPS403/2024 (Annexure P-4).

4. He further contends that the absence of the petitioner was not intentional but on account of having wrongly noted the date. He submits that the matter is now pending before the learned Trial Court on 17.02.2025 for appearance of the petitioner and if granted concession of bail, the petitioner will regularly appear in



Court on each and every date in future and will seek exemption only in extreme exigency.

5. *Notice of motion.*

6. *On the asking of the Court, Mr. Rajinder Singh Bhatta, DAG Punjab., accepts notice on behalf of the State-respondent.*

7. *In the meanwhile, the petitioner is hereby directed to join the investigation within seven days from today 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 trial Court/Duty Magistrate subject to deposit of cost of Rs.5,000/- in District Legal Services Authority, Amritsar. 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.*

8. *List on 24.02.2025.”*

6. Keeping in view the fact that the petitioner has already appeared on 17.02.2025 before the learned trial Court and furnished requisite bail/surety bonds consequent to the order dated 13.02.2025, passed by this Court, the present petition is allowed and order dated 25.10.2024 (Annexure P-4), passed by learned Judge, Special Court, Amritsar, whereby the bail order dated 02.08.2024 (Annexure P-2) was cancelled leading to issuance of non-bailable warrants of arrest and bail bonds/surety bonds were forfeited is hereby set aside and the interim bail granted vide order dated 13.02.2025 is hereby confirmed.

7. The petition stands disposed of.

(SANJIV BERRY)
JUDGE

24.02.2025

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