

**CRM-M-10103-2025****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****Sr. No.122****CRM-M-10103-2025****Decided on :21.02.2025****RAJESH KUMAR****.....Petitioner****VERSUS****STATE OF PUNJAB****.....Respondent****CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH**

Present: Mr. Harpal Singh Sidhu, Advocate
for the petitioner.

Mr. Amandeep Singh, DAG, Punjab

SANJAY VASHISTH, J.

1. Instant petition, under Section 528 of BNSS, 2023 has been filed for quashing of the order dated 29.11.2024 (Annexure P-3), passed by learned Additional District and Sessions Judge Sri Muktsar Sahib, District Muktsar Sahib, whereby the petitioner has been summoned through non-bailable warrants in FIR No. 305 dated 02.12.2021 under Section 21(a) of NDPS Act, registered at Police Station Sri Muktsar, District Muktsar Sahib.

2. Learned counsel for the petitioner contends that the petitioner was released on regular bail by learned Additional Sessions Judge vide its order dated 05.01.2022 (Annexure P-2) and he had been appearing before learned trial Court. Subsequently on 26.10.2023 the petitioner was arrested in another case i.e. FIR No. 170 dated 26.10.2023,

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under Section 21(b) of NDPS Act, registered at Police Station City Muktsar, District Sri Muktsar Sahib and he remained inside the jail uptill December 2023. Thereafter due to some unavoidable circumstances, the petitioner was unable to contact his advocate and then failed to appear before learned trial Court to join the proceedings in the present case. Consequently, his bail was cancelled vide order dated 29.11.2024 (Annexure P-3). Since the petitioner has been falsely involved by the police in serious offence under NDPS Act, finding no support from any source, the petitioner was feeling completely helpless and thereafter defaulted in appearing before learned trial Court to join the proceedings in the present case.

3. Be that as it may, petitioner has expressed his acclamation to now put in appearance and join the process of law and also to cooperate during the course of trial, subject to grant one chance and protect him from the arrest because of cancellation of the bail earlier granted. He also submits that the present case has been planted against the petitioner by levelling the allegation of keeping in possession of 05 grams of heroin only which is a small quantity. Thus, prays for grant of bail

4. Further submits that the petitioner is ready to appear and join the proceedings before learned trial Court, however, prays for his releasing on bail by protecting him from arrest. He undertakes to extend full cooperation also, for early disposal of proceedings.

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5. Notice of motion.

6. Learned State counsel puts an appearance, and opposes the request of the petitioner by submitting that petitioner does not deserve any sympathy, because, he never appeared before the trial Court.

7. In number of cases, this Court has considered similar plea of non-appearance, expressed at the instance of the accused, who failed to appear before the Court at appropriate time, and observed that:

“paramount consideration of the Court is to secure presence of accused on each and every date for speeding up the trial for its final conclusion. Already Courts are flooded with so much litigation, resulting in slow pace of work, because of more than one reason. The required energy and manpower be used for expediting the proceedings of the Court, instead of running after the accused persons to get hold of them.”

[see: Ashish Kumar Honda @ Ashish Handa v. State of Punjab, Law Finder Doc Id # 2038111; and Veena @ Veena Devi v. State of Punjab (CRM-M-2206-2025, decided on 16.01.2025)]

8. I have considered the submissions of both the sides and examined the relevant material available on record. It also cannot be left unnoticed that on coming to know about passing of the impugned order, the petitioner has moved the present petition, showing his inclination to submit himself before the trial Court.

9. In totality of circumstances, I am of the view that the petitioner can be given one chance to appear before the trial Court, so that proceedings may restart and continue in smooth manner. Accordingly, plea of the petitioner is accepted. Impugned order (supra) is set aside, and he is directed to be released on bail, in the eventuality of surrender by him before the trial Court on or before 07.03.2025.

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10. The petitioner shall also furnish bail bonds/surety bonds to the satisfaction of the trial Court. Besides, petitioner would also submit specific undertaking/affidavit that he will keep appearing during the proceedings of the trial in future and the proceedings would not be delayed because of his conduct.

11. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

12. Petition stands disposed of.

**(SANJAY VASHISTH)
JUDGE**

21.02.2025
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Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No