

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

2025:PHHC:031201



CRM-M-10680-2025

Date of Decision:05.03.2025

SUSHIL @ SHILLI

...Petitioner

Vs.

STATE OF HARYANA

...Respondent

CORAM:- HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Sanchit Choudhary, Advocate for the petitioner.

SANDEEP MOUDGIL, J. (Oral)

The present petition has been filed under Section 528 BNSS for quashing/setting aside the impugned order dated 03.12.2024 (Annexure P/4) passed by Special Judge, Fatehabad in FIR No. 260 dated 04.07.2016 under Section 21 of NDPS Act registered at Police Station Bhuna, Fatehabad. Vide which the trial Court has cancelled the bail of petitioner and also issued non-bailable warrants against the petitioner.

Learned counsel for the petitioner submits that the petitioner could not appear before the trial Court on 03.12.2024 as he was suffering from high fever and diarrhea and has also informed his counsel. He further submits that the petitioner do not have any intention to avoid attendance at the Court proceedings. He undertakes that the petitioner will surrender before the trial Court and shall join the trial proceedings without any delay or default in future.

Notice of motion.

On the asking of the Court, Mr. B.S. Virk, Senior DAG, Haryana, accepts notice on behalf of the respondent-State, who is not averse to the undertaking given by the petitioner that he will surrender before the trial Court.



Considering the submissions made by the counsel and also in appreciation of the fact that surrendering will only speed up the proceedings before the Trial Court which is one of the essence as enshrined under Article 21 of the Constitution of India, the petitioner is hereby directed to surrender before the trial Court within a period of 10 days from today and apply for regular bail.

In case, such an application for bail is moved by the petitioner before the learned trial Court, the same shall be considered on the same date and decided in accordance with law.

However, it is made clear that in case the petitioner does not abide by the aforesaid undertaking, the respondent/State shall be at liberty to move an appropriate application for revival of the instant petition.

The aforesaid order/concession to the petitioner shall be subject to payment of costs of Rs.5,000/- to be deposited with the Punjab and Haryana High Court Bar Association, Chandigarh, and a receipt of the same be produced before the Trial Court and only in that eventuality, application of the petitioner for seeking bail be considered and decided on the same day in accordance with law.

The instant petition is disposed of in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

05.03.2025

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