

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

CRM-M-11831-2025

Date of Decision:03.03.2025

JOGA SINGH

...Petitioner

Vs.

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Barjinder Singh, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, AAG Punjab.

SANDEEP MOUDGIL, J. (Oral)

The present petition has been filed under Section 528 Bharatiya Nagarik Suraksha Sanhita, 2023, for quashing of order dated 18.12.2024, Annexure P-6, passed by Judge, Special Court, Kapurthala in FIR No. 394 dated 18.12.2023 under Section 21 of the NDPS Act, 1985, and Sections 411, 482 IPC (offence under Section 411, 482 IPC added later on) registered at Police Station Kapurthala, District Kapurthala, whereby the trial Court has cancelled the bail order of the petitioner on account of non-appearance on 18.12.2024.

Learned counsel for the petitioner contends that the petitioner could not ascertain the next date of hearing in the present FIR due to miscommunication with his counsel, and due to this reason the petitioner could not appear before the trial Court on 18.12.2024 and trial Court cancelled the bail granted to the petitioner vide order dated 18.12.2024 and bonds were forfeited.

However, learned counsel for the petitioner on instruction from his client undertakes before this Court that there will be no default in future *qua* his presence before the trial Court on any of the dates and application for exemption from personal appearance will be made if there is a justifiable cause for the same.

In light of the above, this Court is sanguine of the fact that it 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 and in view of the undertaking given by counsel for the petitioner, this petition is allowed and order dated 18.12.2024, Annexure P-6 passed by Judge, Special Court, Kapurthala, is hereby quashed.

The petitioner is directed to surrender before the trial Court within a period of one week 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.

There is no denial to the fact that due to petitioner's act, delay has occurred in trial proceedings and has caused prejudice to the other side and to compensate the delay which is caused by the petitioner alone, he is directed to deposit costs of Rs.10,000/- to be deposited with Chandi Kusht Ashram Society, (Account No.1445265900) (IFSC Code-KKBK0004211), Kotak Mahindra Bank, Sector 46-C, 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.

The instant petition is disposed of in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

03.03.2025

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