



390-CRM-M-13176-2025

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-13176-2025

Date of decision: 02.04.2025

Firoz Khan @ Tiluka

....Petitioner.

Versus

State of Haryana

....Respondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Anoop Kumar Yadav, Advocate,
for the petitioner.

Mr. Vipul Sherwal, AAG, Haryana

.....

SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 528 of the
Bhartiya Nagarik Suraksha Sanhita 2023 (BNSS), the petitioner seeks
quashing of the order dated 15.11.2023 (Annexure P-3) passed by learned
Chief Judicial Magistrate, Gurugram, in case CIS No. NDPS-
9-2023, titled as '*State of Haryana through APP vs. Firoz Khan @
Tikuva*' vide which the bail of the petitioner was cancelled and bail bonds
were forfeited to the State in case FIR as mentioned below: -

FIR No.	Dated	Section	Police Station
409	17.10.2022	21(a) of the NDPS Act	DLE, District Gurugram

2. Heard.

3. Learned State counsel has not disputed the aforesaid factual
matrix of the case and submits that petitioners appeared on 24.03.2025



390-CRM-M-13176-2025

before the learned trial Court and furnished requisite bail bonds/surety bonds and deposited the cost imposed vide order dated 10.03.2025.

4. Learned State counsel has not disputed the aforesaid factual matrix of the case and submits that petitioner appeared on 24.03.2025 before the learned trial Court and furnished requisite bail bonds/surety bonds.

5. Heard.

6. During the course of the proceedings, following order was passed on 10.03.2025:-

‘2. *Heard.*

3. *It is, inter alia, contended by learned counsel for the petitioner that the petitioner after having been arrested in case FIR (supra) had been granted the concession of bail and had been regularly appearing before the learned Trial Court, however, on 15.11.2023, he could not appear in the Court, on account of illness and the learned counsel representing the petitioner before the learned Trial Court failed to move an application for exemption, leading to learned Trial Court cancelling the bail and issuance of non-bailable warrants of arrest of the petitioner. He contends that now the case is pending before the learned Trial Court for 19.01.2026 for execution of non-bailable warrants of arrest qua the petitioner.*

4. *Learned counsel for the petitioner contends that the petitioner is ready to appear before the learned Trial Court on each and every date of hearing and face the trial. Hence, seeks grant of concession of bail to the petitioner on the ground that the absence of the petitioner was not intentional.*

5. *Notice of motion, returnable for 02.04.2025.*

6. *On the asking of the Court, Mr. Praveen Bhadu AAG, Haryana, who is present in Court, accepts notice and does not dispute the factual matrix of the case. He submits that next date fixed before the learned Trial Court is 19.01.2026 for the appearance of the petitioner.*



390-CRM-M-13176-2025

7. *Be it the case, without commenting on the merits of the case, the petitioner is directed to appear before the learned Trial Court/Judge on duty/Duty Magistrate within a period of 15 days from today and in that event, learned Trial Court/Judge on duty/Duty Magistrate will admit the petitioner on interim bail subject to its satisfaction on his furnishing requisite bail/surety bonds. The petitioner is also burdened to pay a cost of Rs. 10,000/- in the District Legal Services Authority, Gurugram, as a condition pre-requisite for grant of interim bail.*

8. *The petitioner shall also furnish a specific undertaking before the learned Trial Court/Judge on duty that, in future, he would be regularly appearing before the concerned Court on each and every date and in case of some exigency, he will seek prior permission of the concerned Court qua his exemption to appear on the date fixed.'*

7. Keeping in view the fact that the petitioner has already appeared before the learned Trial Court and furnished his requisite bail/surety bonds consequent to the order dated 10.03.2025, passed by this Court, present petition is allowed and order dated 15.11.2023 (Annexure P-3), passed by learned Chief Judicial Magistrate, Gurugram, vide which the bail of the petitioner was cancelled and bail bonds were forfeited to the State is hereby set aside and the interim bail granted vide order dated 10.03.2025 is hereby confirmed.

8. The petition stands disposed of.

(SANJIV BERRY)
JUDGE

02.04.2025

puneet

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