



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

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CRM-M-17107-2025

DATE OF DECISION: 28.03.2025

RAJWINDER SINGH**...PETITIONER****Versus****STATE OF PUNJAB****... RESPONDENT****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. B.K. Saini, Advocate for the petitioner(s).

Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 528 of B.N.S.S., 2023 for seeking quashing of impugned order dated 12.12.2024 (Annexure P-4) passed by the Trial Court, Moga vide which Bail order dated 27.08.2024 has been cancelled and non bailable warrants of arrest has been issued against the Petitioner in case bearing FIR No. 0102 dated 16.06.2024 (Annexure P-1) u/S 21 & 29 of NDPS Act 1985, P.S. Dharmkot, District Moga.

Learned counsel for the petitioner submits that the prosecution has presented the challan against the Petitioner and other co-accused on 23.10.2024, however, neither the copy of challan has been given nor any information given to the present Petitioner at the time of presentation of challan before the Trial Court, more over, the petitioner has never received any summons from the Trial Court for appearance on 12.12.2024. The Petitioner was not aware about the date of the



present case i.e. 12.12.2024 and the Trial Court illegally and wrongly forfeited the bail/surety bonds to the State and his non-bailable warrants and notice to his surety has been issued for 05.02.2025. He submits that the petitioner did not had any intention to avoid attendance in 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, learned State Counsel 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 learned counsel for the petitioner, the impugned order dated 12.12.2024 (Annexure P-4) is hereby set aside and also in appreciation 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, the petitioner is 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.10,000/- to be deposited with the Punjab and Haryana High Court Bar Clerk 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 amount so deposited by the petitioner shall not be construed as cost for this order but penalty for stalling the court proceedings by evading himself from trial for a long time.

The instant petition is disposed of in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

28.03.2025
anuradha

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