

**CRM-16710-2025 in/and
CRM-M-22195-2025
Date of Decision:28.04.2025**

...Petitioner

VS.

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Ms. Diksha, Advocate with
Mr. Vishal Saini, Advocate
for the petitioner.

N.S.Shekhawat J. (Oral)

CRM-16710-2025

1. The instant application has been filed under Rule 3-A (1) Chapter VI, Part-B, Vol. V of the Punjab and Haryana High Court Rules and Orders for grant of leave to file the present petition.

2. Application is allowed, as prayed for.

CRM-M-22195-2025

1. The petitioner has filed the present petition under Section 528 of B.N.S.S with a prayer to quash the impugned order dated 07.04.2025 (Annexure P-2) passed by the Court of Additional Sessions Judge, Kurukshetra in case FIR No.159 dated 29.04.2023 under Section 15 of NDPS Act (Sections 25, 29, 61, 85 of NDPS Act added later on) at Police Station Pehowa, District Kurukshetra, whereby the bail of the petitioner was cancelled and the bail bonds and surety bonds were ordered to be forfeited to the State and the petitioner was ordered to be summoned through warrants of arrest.

2. Learned counsel for the petitioner contends that the petitioner was falsely involved in the FIR, which was registered on 29.04.2023 and thereafter, he was ordered to be released on bail. The final report under Section 173 Cr.P.C was presented against the petitioner and the charges were ordered to be framed against him. Learned counsel further contends that the petitioner was regularly appearing before the Trial Court and never misused the concession of bail, however, he could not appear before the Trial Court on 07.04.2025, due to medical emergency. Due to non-appearance of the petitioner, the Trial Court had cancelled the bail and the bail bonds and surety bonds were ordered to be forfeited to the State and the petitioner was ordered to be summoned through warrants of arrest. Learned counsel for the petitioner next contends that the petitioner is ready to surrender before the Court and shall join the trial proceedings. He further contend that the petitioner shall appear on each and every date of hearing, before the Trial Court and shall not absent himself during the Court proceedings.

3. Notice of motion.

4. Mr. I.P.S. Sabharwal, DAG, Punjab, who is present in the Court, accepts notice on behalf of respondent-State.

5. Learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the petitioner had not appeared intentionally before the Trial Court and there is no illegality in the impugned order passed by the Court below and the petitioner does not deserve the concession of bail.

6. I have heard the learned counsel for the petitioners and perused the record.

7. It is not in dispute that that the petitioner was on bail earlier and was regularly appearing before the Trial Court, however, only on one date i.e. 07.04.2025, he could not appear before the Trial Court. Thus, taking a lenient view of the matter, the petitioner is permitted to surrender before the Trial Court/Duty Magistrate within a period of two weeks from today and on his surrender, he shall be admitted to bail subject to furnishing bail bonds and surety to the satisfaction of the concerned Court.

8. At the time of furnishing of bail bonds, the petitioner shall also file an affidavit before the concerned Court that he shall continue to appear before the Court on each and every date of hearing and shall not absent himself during the court proceedings, except with prior permission of the Court.

9. The Trial Court/Duty Magistrate shall also be at liberty to impose any other conditions, as it deems fit in the peculiar facts and circumstances of case.

10. The petition stands allowed in the above terms.

28.04.2025
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(N.S.SHEKHAWAT)
JUDGE

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