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Saquib Din

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH
CRM-M-34641-2025
Date of decision: 7th July, 2025

Versus

...Petitioner

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Yashpal Thakur, Advocate for the petitioner.

Ms. Himani Arora, Assistant Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

The instant petition has been filed by the petitioner seeking quashing of order dated 27.01.2025 passed by the Court of learned Additional Sessions Judge, Ludhiana in NDPS Case bearing No. 7088-2022 arising out of FIR No. 138 dated 30.04.2018 registered under Sections 20 of Narcotic Drugs and Psychotropic Substance Act, 1985 (for short 'NDPS') (Section 29 of NDPS added later on) at Police Station City Khanna, District Ludhiana, whereby the bail of the petitioner was cancelled and his bonds were forfeited to the State. Now warrant of arrest have been ordered to be issued against him for 25.08.2025.

2. It is argued by learned counsel for the petitioner that he had been extended benefit of regular bail on 01.06.2018. The challan was presented during COVID period. No notices as issued by the Court had been received by him. His counsel had assured to intimate him about filing of the challan but did not give any intimation when challan was presented. He did



not abscond. His absence before the learned trial Court was not at all intentional, but was due to the reasons as mentioned above. He is ready to join the proceedings before learned trial Court and to abide by terms and conditions to be imposed upon him. Therefore, it is urged that the petition deserves to be allowed.

3. Notice of motion.

4. Learned State counsel has advance notice of the petition and has submitted that the petitioner had received summons/ warrants several times but did not appear before the learned trial Court intentionally. His bail was cancelled thrice by learned trial Court. He would be absent again, if the impugned order is set aside. It is, therefore, urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

6. A perusal of the record reveals that the petitioner had been extended benefit of bail by the Special Court, Ludhiana vide order dated 01.06.2018. The challan was presented before the learned trial Court and thereafter, notices were issued to him during the COVID period and even thereafter. He did not appear before the learned trial Court. His bail was cancelled on 18.05.2022 and warrants were issued against him on 20.10.2022. Those warrants were received back unexecuted till 27.01.2025. On that date, again warrants of arrest were received back unserved with the report that he was avoiding apprehension. Strangely bail of the petitioner was cancelled again and his bonds were forfeited to the State. Fresh warrants of arrest were issued against him for 23.04.2025. Interestingly, his bail was



cancelled for the third time on 23.04.2025 and now warrants of arrest have been issued for 25.08.2025. On perusal of the record, it has been revealed that neither the notices nor warrants of arrest as issued against the petitioner had been received back duly served/executed. The petitioner has not sought setting aside of order dated 18.05.2022 by which his bail was cancelled. In the peculiar circumstances of the case and keeping in view the fact that the petitioner is ready to join the proceedings before the trial Court, it is observed that though no case for quashing of order dated 27.01.2025 is made out as bail of the petitioner had already been cancelled on 18.05.2022 and that order has not been challenged, but, the interest of justice would be served, if opportunity is given to the petitioner to surrender before the learned trial Court. As such, the petitioner is directed to surrender before the learned trial Court within a period of twenty days. On his appearance and subject to his furnishing personal as well as surety bonds to the satisfaction of the learned trial Court, he shall be admitted to bail.

7. Since the learned trial Court which is presided over by senior officer of a rank of Additional Sessions Judge has ignored the fact that the bail of the petitioner had been cancelled on 18.05.2022, but despite that the same was ordered to be cancelled again on 27.01.2025 as well as on 23.04.2025, therefore, a copy of this order be sent to the concerned officer to be cautious that such like mistakes do not occur in future.

[MANISHA BATRA]
JUDGE

7th July, 2025

Parveen Sharma

1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No