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

**CRM-M No.36047 of 2025
Date of decision : 11.07.2025**

Rajwinder Singh @ Raja

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Gurpal Singh Sandhu, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed praying for quashing of impugned order dated 05.05.2025 (Annexure P-3) bearing NDPS No.69 of 2021, dated 05.03.2021, CNR No.PBSM010006832021 passed by the learned Judge, Special Court, Sri Muktsar Sahib in case bearing FIR No.0149, dated 25.07.2019, under Section 15 of NDPS Act, 1985, Police Station Lambi, District Sri Muktsar Sahib (Annexure P-1) whereby bail bonds and surety bonds of the petitioner stands forfeited to State. Further prayer has been made for staying the arrest of the petitioner during the pendency of the present petition and on appearing before the learned trial Court.

2. Precise submission made by learned counsel for the petitioner is that the petitioner was prosecuted in a case bearing FIR No.0149, dated



25.07.2019, under Section 15 of NDPS Act, 1985, registered at Police Station Lambi, District Sri Muktsar Sahib. He has submitted that after registration of the FIR, the petitioner was granted concession of regular bail by the learned trial Court vide order dated 30.08.2019 on furnishing of bail bonds in the sum of Rs.50,000/- with one surety in the like amount. He has submitted that thereafter the petitioner was regularly appearing before the learned trial Court. He has submitted that the petitioner was lodged in Jail in another case bearing FIR No.68 of 2025, under Section 29 of NDPS Act and he was granted bail in the said FIR on 07.05.2025 on furnishing bail bonds and was released on 12.05.2025. He has submitted that counsel for the petitioner was not known of the said fact and thus he could not inform the same to learned Court that he was in custody in another case. He has submitted that due to non-appearance of the petitioner before the learned trial Court on the date fixed, i.e. 05.05.2025, his bail order was cancelled and bail bonds/surety bonds were forfeited to the State. He has submitted that non bailable warrants were also issued against the petitioner for 25.08.2025. He has submitted that absence of the petitioner was *bona fide* and not intentional. He has further submitted that the petitioner is ready to appear before the learned trial Court and abide by the terms and conditions imposed upon him.

3. Notice of motion.

4. On the asking of the Court, Mr. J. S. Arora, DAG, Punjab appears and accepts notice on behalf of the respondent-State. He, on the other hand, has contended that bail order of the petitioner was rightly cancelled by the learned trial Court and non bailable warrants were issued



against him, as he failed to appear in the Court despite orders.

5. I have heard counsel for the parties and perused the record.

6. It is apparent that the petitioner was prosecuted in case bearing FIR No.0149, dated 25.07.2019, under Section 15 of NDPS Act, 1985, registered at Police Station Lambi, District Sri Muktsar Sahib in which bail order was cancelled and bail bonds/surety bonds were forfeited to the State. Non bailable warrants of arrest were issued against the petitioner due to his non appearance before the learned trial Court. He has submitted that the petitioner was in custody in another FIR and was released on bail on 12.05.2025 and thus due to non appearance, his bail was cancelled, bail/surety bonds were forfeited to the State and non bailable warrants were also issued against the petitioner. As the petitioner is keen to join the proceedings, so keeping in view the abovesaid facts, the present petition is disposed of and the impugned order dated 05.05.2025 is hereby *set aside* subject to payment of costs of Rs.5,000/- to be deposited with the Spinal Rehab Centre, Sector 28-A, Madhya Marg, Chandigarh by the petitioner within one week from today. In case, the petitioner appears and surrenders before the Court concerned within a period of 10 days from today and files an application for bail alongwith receipt of abovesaid costs, the Court concerned is directed to admit him to bail subject to its satisfaction and proceed with the trial in accordance with law. The petitioner will have protection from arrest for a period of 10 days from today.

7. Needless to say that in case the petitioner fails to comply with the abovesaid direction, he will have no benefit of abovesaid



protection granted by this Court and order under challenge dated 05.05.2025 would come in force and the present petition would be deemed to have been dismissed.

11.07.2025

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Whether speaking/reasoned

Whether reportable

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Yes/No

Yes/No

(RAJESH BHARDWAJ)

JUDGE