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

**CRM-M No.37895 of 2025
Date of decision : 21.07.2025**

Boby Singh @ Boby**.....Petitioner**

versus

State of Punjab**..... Respondent**

**CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

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

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed praying for quashing of impugned order dated 29.04.2025 (Annexure P-1) in Trial NDPS No.2990/2024 whereby the learned trial Court issued non-bailable warrant in case bearing FIR No.231, dated 08.10.2023, under Sections 21/29/61/85 of NDPS Act, registered at Police Station City Sunam, District Sangrur, Punjab. Further prayer has been made that the petitioner be allowed to appear before the learned trial Court on the date fixed, i.e. 29.08.2025 and he be released on bail with fresh bail bonds and arrest of the petitioner be stayed during the pendency of the present petition.

2. Precise submission made by learned counsel for the petitioner is that the petitioner was prosecuted in a case bearing FIR No.231, dated 08.10.2023, under Sections 21/29/61/85 of NDPS Act, registered at Police Station City Sunam, District Sangrur, Punjab. He has submitted that after registration of the FIR, the petitioner was granted the concession of bail by the learned Judge, Special Court, Sangrur vide order dated 14.11.2023.



He has submitted that thereafter the challan was presented on 06.05.2024 and charges were framed and the petitioner was directed to furnish fresh bail bonds with surety. He has submitted that the petitioner was regularly appearing before the learned trial Court, except on one date, i.e. 29.04.2025. He has submitted that clerk of the counsel representing the petitioner before the learned trial Court, due to mis-communication, has noted the wrong date as 09.05.2025 instead of 29.04.2025 and thus, on the actual date of hearing, i.e. 29.04.2025, the petitioner was out of station being driver of the truck. He has further submitted that due to non-appearance of the petitioner before the learned trial Court on the date fixed, i.e. 29.04.2025, his bail order was cancelled and bail/surety bonds were forfeited to the State. He has submitted that non-bailable warrants of arrest were also issued against the petitioner. 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 of arrest 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.231, dated 08.10.2023, under Sections 21/29/61/85 of NDPS Act, registered at Police Station City Sunam, District Sangrur,



Punjab, in which bail order was cancelled and bail/surety bonds were forfeited to the State. Non-bailable warrants of arrest were also issued against the petitioner due to his non appearance before the learned trial Court. The reason given by the petitioner for his absence is that the clerk of the counsel representing him before the learned trial Court has noted the wrong date as 09.05.2025 instead of 29.04.2025. However, due to his non appearance, bail order of the petitioner was cancelled, bail/surety bonds were forfeited to the State and non-bailable warrants of arrest 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 29.04.2025 is hereby *set aside*. 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.

8. 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 29.04.2025 would come in force and the present petition would be deemed to have been dismissed.

(RAJESH BHARDWAJ)
JUDGE

21.07.2025

<i>rittu</i>	Whether speaking/reasoned	:	Yes/No
	Whether reportable	:	Yes/No