



CRM-M-38232 of 2025

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

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CRM-M-38232 of 2025

Date of Decision: 29.07.2025

Anis

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Mohammad Arshad, Advocate for the petitioner.

Mr. Eklavya Darshi, DAG, Punjab.

Manisha Batra, J.(Oral)

1. Prayer in the present petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short "BNSS") is for quashing of the order dated 21.01.2025 (Annexure P-4) passed by the learned Sessions Judge, Sri Muktsar Sahib, in case No.NDPS-102-2018 titled 'State of Punjab Vs. Anish and another' in case FIR No.109 dated 05.07.2017, registered under Sections 15 of the NDPS Act, at Police Station Malout, District Sri Muktsar Sahib, whereby, the bail of the petitioner was cancelled and his bonds were ordered to be forfeited to the State due to his non-appearance and warrants of arrest were issued against him.

2. It is *inter alia* submitted by learned counsel for the petitioner that he could not appear on 21.01.2025 due to the reason that he had suffered from serious orthopedic injury involving a comminuted and displaced fracture of the calcaneum bone in this right foot. He had moved an application for exemption before the trial Court. The petitioner is regularly appearing before the trial Court. It is submitted that the petitioner is ready

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and willing to join the proceedings before the learned trial Court and his absence was not intentional but due to his physical incapacity as mentioned above. He further submits that now warrants of arrest had been issued against him for 20.08.2025, therefore, it is urged that the impugned order be set aside.

3. A perusal of the order dated 21.01.2025 reveals that the bail of the petitioner was cancelled due to his non-appearance on that date. Learned counsel for the petitioner has not placed on record any order passed by the trial Court to show that his presence was exempted after his sustaining injuries on 19.07.2024. Although, no illegality or infirmity is found in the impugned order, however, in view of the fact that his absence was not intentional as he was not in a medical condition to appear before the Court and he is willing to join the proceedings before the learned trial Court and to abide by the terms and conditions imposed upon him and since it appears that it was not on account of any carelessness that he could not appear before the learned trial Court on 21.01.2025, therefore, the present petition is disposed of with a direction to the petitioner to surrender before the learned trial Court on or before 20.08.2025, which is the date already fixed before it, subject to his furnishing fresh bail bonds/surety bonds to the satisfaction of the learned trial Court.

4. A copy of this order be handed over to learned counsel for the petitioner under the signatures of Bench Secretary of this Court.

29.07.2025*D.Bansal*

Whether speaking/ reasoned :
Whether Reportable :

(MANISHA BATRA)
JUDGE

Yes/ No
Yes/ No