

2025:PHHC:092181



144 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-39356-2025
Date of Decision: 24.07.2025

Amit Kumar and another ...Petitioners

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Anil Kumar Malik, Advocate and
Mr. Manoj Dhankhar, Advocate
for the petitioner(s).

Mr. Tanuj Sharma, AAG, Haryana.

RAJESH BHARDWAJ, J. (ORAL)

1. Present petition has been filed praying for quashing of impugned order dated 13.05.2025 (Annexure P-3) in case number NDPS-54-2021 titled as “***State Vs. Ashok Kumar and others***”, whereby the learned trial Court issued non-bailable warrants against both the petitioners in case FIR No.134 dated 10.02.2021 under Sections 15/27/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Old Industrial Panipat, District Panipat. Further prayer has been made that operation of the impugned order dated 13.05.2025 be stayed during the pendency of the present petition.

2. Precise submission made by learned counsel for the petitioners is that the petitioners were prosecuted in the above mentioned FIR. He has submitted that after registration of the FIR, the petitioners were granted the concession of bail by the learned Additional Sessions Judge, Panipat. He has submitted that thereafter the challan was presented and charges were framed and

the petitioners were directed to furnish fresh bail bonds with surety. He has submitted that the petitioners were regularly appearing before the learned trial Court, except on one date, i.e. 13.05.2025. He has submitted that both the petitioners have filed the applications for exemption from personal appearance as petitioner No.1 was suffering from high fever and petitioner No.2 was also not well on that date. He has further submitted that due to non-appearance of the petitioners before the learned trial Court on the date fixed, i.e. 13.05.2025, their bail orders were cancelled and bail/surety bonds were forfeited to the State. He has submitted that non-bailable warrants of arrest were also issued against the petitioners. He has submitted that absence of the petitioners was *bona fide* and not intentional. He has further submitted that the petitioners are ready to appear before the learned trial Court and abide by the terms and conditions imposed upon them.

3. Notice of motion.

4. On the asking of the Court, Mr. Tanuj Sharma, AAG, Haryana appears and accepts notice on behalf of the respondent-State. He, on the other hand, has contended that bail order of the petitioners was rightly cancelled by the learned trial Court and non-bailable warrants of arrest were issued against them, as they 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 petitioners were prosecuted in case bearing FIR No.134 dated 10.02.2021 under Sections 15/27/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Old Industrial Panipat, District Panipat in which bail orders were cancelled and bail/surety bonds were forfeited to the State. Non-bailable warrants of arrest were also issued against the petitioners due to their non-appearance before the learned trial Court. The reason given by the petitioners for their absence is that both of

them were not medically fit on that date. However, due to their non-appearance, bail orders of the petitioners were cancelled, bail/surety bonds were forfeited to the State and non-bailable warrants of arrest were also issued against the petitioners. As the petitioners are keen to join the proceedings, so keeping in view the abovesaid facts, the present petition is disposed of and the impugned order dated 13.05.2025 is hereby set aside. In case, the petitioners appear and surrender before the Court concerned within a period of 10 days from today and file applications for bail, the Court concerned is directed to admit them to bail subject to its satisfaction and proceed with the trial in accordance with law. The petitioners will have protection from arrest for a period of 10 days from today.

7. Needless to say that in case the petitioners fail to comply with the abovesaid direction, they will have no benefit of abovesaid protection granted by this Court and order under challenge dated 13.05.2025 would come in force and the present petition would be deemed to have been dismissed.

24.07.2025

Parveen kumar

(RAJESH BHARDWAJ)
JUDGE

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