



CRM-M No. 43482 of 2025 1

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M No. 43482 of 2025 (O&M)
Date of Decision: 11.08.2025

Vicky Mehra

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present: Mr. Harkirat Singh Bhogal, Advocate for the petitioner.

Mr. Gorav Kathuria, DAG, Punjab.

YASHVIR SINGH RATHOR, J.(Oral)

1. The present petition has been instituted under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for quashing of order dated 06.06.2025 (Annexure P-1) passed by the Court of learned Additional Sessions Judge, Hoshiarpur in FIR No.40 dated 03.02.2023 registered under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') at Police Station Model Town, Hoshiarpur vide which bail and surety bonds furnished by the petitioner have been cancelled and forfeited on account of his non-appearance.

2. Learned counsel for the petitioner contends that after the petitioner was arrested, he was released on bail. The challan was presented before Court on 16.04.2025 on which date also, petitioner was present. Thereafter, the case was adjourned to 09.05.2025 when he did not appear but infact, he had noted down the next date of hearing as 05.09.2025 inadvertently. However learned trial Court acted in haste and cancelled his bail and forfeited the bonds due to his non-appearance without giving any

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opportunity of being heard and without issuing any summons. Learned counsel prayed that petitioner is ready to appear before the trial Court and to participate in the proceedings and the impugned order be set aside as his absence was not intentional or wilful.

3. Notice of motion.

4. On the asking of the Court, Mr. Gorav Kathuria, DAG, Punjab accepts notice on behalf of respondent-State.

5. I have heard learned counsel for the petitioner and learned State counsel and perused the material on file.

6. A perusal of order dated 16.04.2025 shows that final report was presented before the learned trial Court on that date and the petitioner-accused was present. Case was adjourned to 09.05.2025 for arguments on charge. However, on 09.05.2025, the case was transferred to some other Court where petitioner did not appear and case was adjourned to 22.05.2025 for awaiting his presence and thereafter to 06.06.2025. However, on 06.06.2025, it was observed that accused has not appeared and his bail and surety bonds were cancelled and forfeitted and arrest warrant was ordered to be issued. However, once the case was transferred from the Court of Mr. Jaswinder Sheemar, Additional Sessions Judge, Hoshiarpur to the Court of Dr. Mandeep Mittal, Additional Sessions Judge, Hoshiarpur and the accused had not appeared before the transferee Court on 09.05.2025, notice ought to have been issued to the accused to apprise him of the fact that the case has been transferred to some other Court. However, without issuing any notice or summons, the bail was cancelled on an adjourned date i.e 06.06.2025. Infact, instead of cancelling the bail bonds, the transferee Court should have issued notice or summons to the accused or at least notice should have been issued to his surety calling upon him to produce the petitioner instead of



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cancelling the bonds. There is also a probability that petitioner may have noted the wrong date of hearing as has been argued by learned counsel for the petitioner.

7. In these circumstances, I am of the considered opinion that no useful purpose would be served by detaining the petitioner in custody on account of his absence on a single occasion.

8. In view of the aforesaid discussion, present petition is accepted and order dated 06.06.2025 (Annexure P-1) is hereby set aside and petitioner is ordered to be released on bail in the event of his appearance before the trial Court within 15 days from today. Non-bailable warrants issued against him shall be recalled. It is made clear that in case petitioner fails to appear before the trial Court within 15 days, this order will come to an end.

11.08.2025
Rajeev (rvs)

(YASHVIR SINGH RATHOR)
JUDGE

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