

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

CRM-M-58894-2024 (O&M)
Date of decision: 15.01.2025

Islam Khan

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Ms. Kuljinderbir Kaur, Advocate for the petitioner.

KARAMJIT SINGH, J. (ORAL)

CRM-48191-2024

For the reasons set out in the application, the same is allowed and copies of zimni orders passed by the trial Court Annexure P-7 collectively, are taken on record.

CRM-M-58894-2024

1. The present petition has been filed by the petitioner under Section 482 Cr.P.C. seeking quashing of order dated 23.09.2024 Annexure P-4 passed by the Court of Additional Sessions Judge, Sri Muktsar Sahib vide which the bail bonds of the petitioner are cancelled and he is directed to be summoned through non bailable warrants of arrest in a criminal case having FIR No.224 dated 20.09.2022, under Section 18(b) of NDPS Act, registered at Police Station City Sri Muktsar Sahib, District Sri Muktsar Sahib (Annexure P-1).

2. Counsel for the petitioner inter alia submits that earlier the petitioner was granted regular bail by the Court concerned vide order dated

02.11.2022 Annexure P-2 and thereafter, the petitioner was regularly appearing before the trial Court and in case, he was unable to appear in person in past, he used to move application seeking exemption from his personal appearance. Counsel for the petitioner further submits that on 23.09.2024, the petitioner failed to appear before the trial Court as he was facing some medical issue and the concerned medical treatment record of the petitioner is Annexure P-3. It is further submitted that the petitioner is ready and willing to join the proceedings before the trial Court at the earliest without any delay, as the absence of the petitioner on the relevant date was not intentional. Counsel for the petitioner also referred to decision of Hon'ble Supreme Court in criminal appeal No.383 of 2024 titled Krishana Sharma @ Krishna Kumar Sharma Vs. State of West Bengal and Another, decided on 24.01.2024, wherein it was observed that merely because the appellant (accused) did not appear personally could not have been ground for cancellation of bail.

3. Notice of motion.

4. Mr. J.S. Dhaliwal, AAG, Punjab, accepts notice on behalf of the State and submits that even prior to passing of impugned order Annexure P-4, the petitioner failed to put in his personal appearance before the trial Court concerned on earlier dates also as is evident from copies of the concerned zimni orders dated 11.09.2023, 14.03.2024 and 07.08.2024, which are available on the record. The State counsel further submits that on 23.09.2024, the petitioner failed to appear in the trial Court without any intimation and resultantly the impugned order Annexure P-4 was passed by the trial Court in accordance with law. However, the State counsel has not

disputed the fact that prior to passing of order Annexure P-4, the petitioner was on regular bail on the basis of order Annexure P-2 passed by the Court concerned.

5. In view of the fact that the petitioner himself as approached this Court showing his willingness to join the proceedings before the trial Court at the earliest in order to avoid any further delay in trial, coupled with the fact that this was single default on the part of the petitioner whereby he got absented without any intimation to the Court concerned, the present petition is disposed of in the interest of justice and in order to avoid any further delay in trial and the petitioner is hereby directed to join proceedings before the trial Court within next 10 days and on his doing so, the petitioner is to be released on regular bail by the Court concerned to its own satisfaction, subject to cost of Rs.7,000/- to be deposited by the petitioner with the District Legal Services Authority concerned.

6. Disposed of in aforesaid terms.

7. Needless to say that the petitioner should remain careful in future and should keep on appearing in the trial proceedings on each and every date of hearing.

15.01.2025

Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No