



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

**CRM-M No.61946 of 2024 (O&M)
Date of decision : 23.01.2025**

Alisha

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Kuldip Singh, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

CRM No.451 of 2025

Instant application has been filed for preponing the date of hearing in the main case which is fixed for 28.01.2025.

Notice in the application to counsel for the non-applicant.

On asking of the Court, Mr. Tarun Aggarwal, Sr. DAG, Punjab appears and accepts notice on behalf of the non-applicant. He has pleaded no objection if the application is allowed.

For the reasons recorded in the application, the same is allowed and the date of hearing in the main case is preponed to today and thus the same is taken up on board today itself.

CRM-M No.61946 of 2024

1. Present petition has been filed praying for quashing of impugned order dated 10.07.2024 (Annexure P-5) passed by the learned Additional Sessions Judge-cum-Judge, Special Court, Ferozepur whereby bail order of the petitioner has been cancelled and his bail/surety bonds



have been forfeited to the State and his non-bailable warrants as well as notice to the surety have been issued in case bearing NDPS No.190 of 2024 titled as 'State versus Alisha and others' in case FIR No.352, dated 14.11.2023, for offences under Section 21 of NDPS Act, registered at Police Station Special Task Force, Phase-4, District SAS Nagar (Mohali).

2. Precise submission made by learned counsel for the petitioner is that the petitioner was prosecuted in the case bearing FIR No.352, dated 14.11.2023, for offences under Section 21 of NDPS Act. He has submitted that the FIR was registered on the basis of secret information. He has further submitted that the petitioner was neither present at the place of occurrence nor any contraband was recovered from him. After registration of the FIR, the petitioner was granted regular bail by the learned trial Court vide order dated 04.01.2024. He has further submitted that the investigation was completed and challan in the FIR was presented on 04.07.2024 and the case was adjourned for 10.07.2024. He has submitted that after granting of the bail, the petitioner was regularly appearing before the trial Court. He has further submitted that the petitioner noted the wrong date i.e. 20.07.2024 instead of 10.07.2024 and due to this miscommunication, he could not appear before the trial Court on the date fixed i.e. 10.07.2024. He has submitted that the learned trial Court had cancelled the bail order of the petitioner and personal/bail bonds were forfeited to the State. He has submitted that the learned trial Court issued non bailable warrants against the petitioner vide order dated 10.07.2024. He has submitted that absence of the petitioner was neither deliberate nor intentional and now he wants to face the proceedings before the learned trial Court. He has submitted that the petitioner is ready to join the



proceedings and abide by the terms and conditions imposed upon him.

3. Notice of motion.

4. On the asking of the Court, Mr. Tarun Aggarwal, Sr. DAG, Punjab appears and accepts notice on behalf of the respondent-State. He on the other hand has contended that the nonailable warrants were rightly issued against the petitioner and he is liable to be prosecuted in the said case, as he had 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 FIR No.352, dated 14.11.2023, for offences under Section 21 of NDPS Act in which nonailable warrants were issued against him due to his absence. The reason for his absence has been given by the petitioner that he noted the wrong date i.e. 20.07.2024 instead of 10.07.2024. 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 10.07.2024 (Annexure P-5) is hereby *set aside* subject to payment of costs of Rs.10,000/- to be deposited with the Sadhna Society for the Mentally Handicapped, Sector 13, Chandigarh by the petitioner within one week from today. 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. He will have protection from arrest for a period of 10 days from today.

7. 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 10.07.2024 would come in force and the present petition would be deemed to have been dismissed.

23.01.2025
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(RAJESH BHARDWAJ)
JUDGE

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