



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

252

**CRM-M-64185-2024 (O&M)
Date of Decision:- 10.01.2025**

VIJAY KUMAR

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Ankit Gupta, Advocate for the petitioner.

Mr. Ankit Grewal, DAG Punjab.

SANJIV BERRY, J. (ORAL)

By way of present petition preferred under Section 528 of BNSS, 2023 the petitioner has sought quashing of impugned order dated 20.09.2024 (Annexure P-2) passed by the Court of learned Additional District and Sessions Judge, Hoshiarpur, whereby the bail of the petitioner was cancelled and non-bailable warrant of arrest was issued against the petitioner in case FIR No.149 dated 16.12.2023 registered under Sections 22 and 29 of the NDPS Act at Police Station Hariana, District Hoshiarpur.

2. Learned counsel for the petitioner has submitted that in compliance to the order dated 19.12.2024 passed by this Court, the petitioner has appeared in the Court and furnished his requisite bail bonds. He has placed on record copy of the order dated 04.01.2025, passed by learned



Judge, Special Court, Hoshiarpur whereby the petitioner has been admitted on interim bail by the learned trial Court.

3. Learned State counsel has not disputed the aforesaid factum.
4. Heard.
5. During the course of proceedings on 19.12.2024, the following order was passed.

“2. It is, inter alia, contended by learned counsel for the petitioner that the petitioner, after being granted concession of bail in FIR (Annexure P-1), had been regularly appearing in the trial Court, however, on 20.09.2024, neither the petitioner nor his counsel appeared leading to cancellation of his bail and issuance of non-bailable warrants of arrest for 21.10.2024 and now the case is pending before the learned trial Court for 04.01.2025. He contends that the absence of the petitioner on 20.09.2024 was not intentional and was on account of the fact that his counsel has wrongly noted the date and due to this reason, neither his counsel could appear nor the petitioner. He further submits that the petitioner is having no other criminal case registered against him and is ready to appear in the trial Court and undertakes to furnish specific undertaking before the concerned Court that he will regularly appear on each and every date of hearing and in case of any exigency, he will seek exemption from the Court in accordance with law.

3. Notice of motion.

4. On the asking of the Court, Mr. Rajinder Singh Bhatta, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondentState.

5. List on 10.01.2025.

6. In the meanwhile, the petitioner is hereby directed to to appear before the learned Trial Court/Judge on duty within seven days from today and in the event of his arrest, he is ordered to be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the concerned trial Court/Judge on duty.”

6. Keeping in view the fact that the petitioner has already appeared



in the Court and furnished his requisite bail/surety bonds consequent to the order dated 19.12.2024 passed by this Court, the present petition is allowed. The order dated 20.09.2024 (Annexure P-2) passed by the Court of learned Additional District and Sessions Judge, Hoshiarpur is set aside and the interim bail granted vide order dated 19.12.2024 is hereby confirmed.

7. The petition stands allowed.
8. Pending applications, if any, shall also stand disposed of.

(SANJIV BERRY)
JUDGE

10.01.2025

S.Sharma(syr)

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |