

2025:PHHC:092647



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

**CRM-M-39372-2025
Date of Decision: 24.07.2025**

Rakesh Kumar ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Abhay Bhardwaj, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

RAJESH BHARDWAJ, J. (ORAL)

1. Present petition has been filed praying for quashing of impugned order dated 10.07.2025 (Annexure P-2) whereby the learned trial Court issued warrants of arrest against the petitioner in case FIR No.597 dated 13.09.2019 (Annexure P-1) under Sections 21/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sirsa City, Sirsa. Further prayer has been made that operation of the impugned order dated 10.07.2025 be stayed during the pendency of the present petition.

2. Precise submission made by learned counsel for the petitioner is that the petitioner was prosecuted in the above mentioned FIR. He has submitted that after registration of the FIR, the petitioner was granted the concession of bail by the learned trial Court, Sirsa. He has submitted that thereafter the challan was presented and charges were framed. He has submitted that the petitioner was regularly appearing before the learned trial Court, except on one date, i.e. 05.03.2025. He has submitted that the petitioner is a mason and works wherever

suitable employment opportunities arise. Owing to new work opportunity in different city, the petitioner had to relocate from Sirsa and temporarily shifted his place of residence. During this period, the petitioner lost his mobile phone as a result he was unable to communicate with his counsel and consequently, lost track of court hearings. He has further submitted that due to non-appearance of the petitioner before the learned trial Court his bail was cancelled and bail/surety bonds were forfeited to the State and warrants of arrest were also issued against the petitioner vide order dated 05.03.2025 and thereafter on 10.07.2025. He has submitted that absence of the petitioner was *bona fide* and not intentional. He has further submitted that the petitioner is ready to appear before the learned trial Court and abide by the terms and conditions imposed upon him.

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 petitioner was rightly cancelled by the learned trial Court and warrants of arrest were issued against him, as he 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 bearing FIR No.597 dated 13.09.2019 (Annexure P-1) under Sections 21/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sirsa City, Sirsa in which bail order was cancelled and bail/surety bonds were forfeited to the State. Warrants of arrest were also issued against the petitioner due to his non-appearance before the learned trial Court. The reason given by the petitioner for his absence is that being mason he was on work in different city and relocated from Sirsa and lost his contact with his counsel. However, due to his non-appearance, bail order of the petitioner was cancelled,

bail/surety bonds were forfeited to the State and warrants of arrest were also issued against the petitioner. 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 10.07.2025 is hereby set aside subject to payment of Rs.10,000/- as costs to be deposited in the '***Punjab & Haryana High Court Bar Association, Chandigarh***' by the petitioner in 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 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. The petitioner 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 10.07.2025 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