



136

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

**CRM-M No.7785 of 2025 (O&M)
Date of decision : 11.02.2025**

Manjinder Singh @ Sonu @ Ganja

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Ramnish Puri Advocate
for the petitioner (through video conferencing).

RAJESH BHARDWAJ, J. (Oral)

CRM-5585-2025

Allowed as prayed for.

CRM-M-7785-2025

1. Present petition has been filed praying for quashing of impugned order dated 06.05.2024 passed by the learned Additional Sessions Judge, Amritsar (Annexure P-3) in FIR No.244, dated 16.12.2016, under Sections 18, 21, 22, 29 of NDPS Act, 1985, Section 420 of IPC, 1860 and Section 42 of Prisons Act, 1894 (Section 52-A of Prisons Act, 1894 added later on), registered at Police Station Gate Hakima, District Amritsar (Annexure P-1) vide which the learned trial Court has issued non bailable warrant against the petitioner. Further prayer has been made for staying the operation of impugned order dated 06.05.2024 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 case bearing FIR No.244, dated 16.12.2016, for offences under Sections 18, 21, 22, 29 of NDPS Act, 1985, Section 420 of IPC, 1860 and Section 42 of Prisons Act, 1894 (Section 52-A of Prisons Act, 1894 added later on). He has submitted that the petitioner has been falsely implicated in the present FIR. After registration of the FIR, the petitioner was granted regular bail by the learned trial Court vide order dated 14.02.2017. 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 and due to this miscommunication, he could not appear before the trial Court on the date fixed i.e. 06.05.2024. He has submitted that due to the absence of the petitioner, the learned trial Court had cancelled the bail order of the petitioner and bail bonds/surety bonds were forfeited to the State vide order dated 06.05.2024. He has further submitted that the learned trial Court issued warrants of arrest against the petitioner. He has submitted that absence of the petitioner was bona fide and not intentional and he never misused the concession of bail granted to him. He has 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. Tarun Aggarwal, Sr. DAG, Punjab appears and accepts notice on behalf of the respondent-State. He on the other hand has contended that the warrant of arrest was 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.244, dated 16.12.2016, for offences under Sections 18, 21, 22, 29 of NDPS Act, 1985, Section 420 of IPC, 1860 and Section 42 of Prisons Act, 1894 (Section 52-A of Prisons Act, 1894 added later on) in which warrants of arrest was issued against him due to his absence. The reason for his absence has been given by the petitioner that he noted the wrong date. 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 06.05.2024 (Annexure P-3) is hereby *set aside* subject to payment of costs of Rs.10,000/- to be deposited with the Spinal Rehab Centre, Sector 28-A, Madhya Marg, 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 06.05.2024 would come in force and the present petition would be deemed to have been dismissed.

11.02.2025

rittu

**(RAJESH BHARDWAJ)
JUDGE**

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