



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

CRM-M-293-2025

Date of decision: 09.01.2025

Balwinder Singh @ Channa @ Channu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Ashok Giri, Advocate for the petitioner.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner seeking setting aside of impugned order dated 24.07.2024 Annexure P-4 passed by Judge, Special Court, Jalandhar in criminal case having FIR No. 25 dated 02.02.2022, under Section 21 NDPS Act, Police Station Kartarpur, District Jalandhar, vide which the bail order of the petitioner was cancelled and he was directed to be summoned through nonailable warrants of arrest, on account of his absence on the date fixed before the trial Court.

2. Counsel appearing on behalf of the petitioner inter alia submits that during investigation of the case, the petitioner was granted anticipatory bail by this Court vide orders Annexure P-2 and P-3 and thereafter, the petitioner was regularly appearing before the trial Court. However, the petitioner was arrested in one another criminal case on 10.05.2024 and was lodged in jail and later on, granted regular bail vide order dated 09.12.2024 Annexure P-8. That in this manner, the absence of the petitioner before the trial Court on 24.07.2024 in the present case was not at all intentional. It is further submitted that on 24.07.2024 written request was given to the trial Court for issuance of production warrants of the present petitioner but the said request was ignored by the trial Court and in this manner, the impugned order is not sustainable. It is further submitted that the petitioner



is ready and willing to join the proceedings before the trial Court at the earliest.

3. Notice of motion.

4. Mr. J.S. Dhaliwal, AAG, Punjab, accepts notice on behalf of the State and on instructions from ASI Harwinder Singh has not disputed the fact that at the relevant time, the petitioner was lodged in jail in one another criminal case wherein he was arrested on 10.05.2024 and later on, released on bail vide order dated 09.12.2024 (Annexure P-8).

5. In view of the above, it is apparent that the absence of the petitioner in the trial proceedings on 24.07.2024 was not intentional and rather on that date, the petitioner was lodged in jail in one another criminal case having FIR No.131 dated 18.09.2023, registered in Police Station Subhanpur, District Kapurthala wherein he was released on bail on 09.12.2024.

6. For the reasons, given above, the impugned order is not sustainable in the eyes of law being passed in a hasty manner by the learned trial Court and is thus, hereby set aside with direction to the petitioner to appear before the trial Court on or before the next date fixed in the trial and on his doing so, the petitioner is to be released on regular bail by the Court concerned to its own satisfaction.

7. The present petition is disposed of in aforesaid terms.

09.01.2025

Yogesh

**(KARAMJIT SINGH)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No