



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

**CRM-M No.30284 of 2025
Date of Decision: 29.05.2025**

Harpal Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Arshdeep S. Khaira, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (ORAL)

1. Present petition has been filed praying for quashing of orders passed by the learned Special Court, Gurdaspur dated 04.03.2025 (Annexure P-3) and 17.05.2025 (Annexure P-9) in the trial Court numbered as NDPS 227 of 2022 (of FIR No.0010, dated 06.02.2022 under Section 15 of NDPS Act, Police Station Bhaini Mian Khan, District Gurdapsur) titled as 'State of Punjab vs. Surinder Pal Singh and another', whereby the previous bail order passed by the learned Special Judge, Gurdaspur dated 25.03.2025 (Annexure P-4) was set aside and non-bailable warrants have been issued against the petitioner for 07.08.2025. Further prayer has been made for staying the arrest of the petitioner 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.0010, dated 06.02.2022, under Section 15 of NDPS Act, Police Station Bhaini Mian Khan, District Gurdapsur. He has submitted that the petitioner has been falsely implicated in the present FIR. After registration of the FIR, the petitioner was granted the concession of regular bail by the learned Judge, Special Court, Gurdaspur vide order dated 03.03.2022. He has submitted that the petitioner was regularly appearing before the learned trial Court. However on one occasion only on 04.03.2025, the petitioner was ill and thus, he remained absent from trial Court. He has submitted that due to the absence of petitioner, the learned trial Court cancelled the bail order of the petitioner and bail bonds/surety bonds were forfeited to the State vide order dated 04.03.2025 and non-bailable warrants were issued against the petitioner. He has submitted that the petitioner had earlier approached this Court by way of filing CRM-M-22322-2025, which was disposed of by this Court vide order dated 29.04.2025 wherein the petitioner was directed to appear before the learned trial Court subject to payment of costs of Rs.10,000/-. He has submitted that the petitioner had already deposited the cost of Rs.10,000/-as imposed upon him. He has submitted that now the non-bailable warrants were issued against the petitioner for 07.08.2025. 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 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. Tarun Aggarwal, Addl. A.G., Punjab appears and accepts notice on behalf of the respondents-State. He on the other hand has contended that the nonailable warrants were rightly issued against the petitioner and he was liable to be prosecuted in the said case, 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 FIR No.0010, dated 06.02.2022, under Section 15 of NDPS Act. Bail of the petitioner was cancelled and bail bonds & surety bonds were forfeited to the State due to the absence of the petitioner. Nonailable warrants were also issued against the petitioner vide order dated 04.03.2025 and thereafter vide order dated 17.05.2025 for 07.08.2025. The cost of Rs.10,000/- as imposed upon the petitioner by this Court vide order dated 29.04.2025 passed in CRM-M No.22322 of 2025 has already been deposited by 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 orders dated 04.03.2025 (Annexure P-3) and 17.05.2025 (Annexure P-9) are hereby *set aside*. In case, the petitioner appears and surrenders before the Court concerned within a



period of 07 days from today and files an application for bail, 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 07 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 orders under challenge dated 04.03.2025 and 17.05.2025 would come in force and the present petition would be deemed to have been dismissed.

29.05.2025

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**(RAJESH BHARDWAJ)
JUDGE**

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