



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

266

CRM-M-7300-2025 (O&M)
Date of Decision : 03.03.2025

RAJESH @ JESHA

-PETITIONER

V/S

STATE OF PUNJAB

-RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present: Mr. Vipin Mahajan, Advocate
for the petitioner.

Mr. Iqbalpreet Singh, AAG, Punjab.

SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 528 of the Bhartiya Nagarik Suraksha Sanhita 2023 (BNSS), the petitioner seeks quashing of the order dated 16.07.2024 (Annexure P-4) passed by learned Judge Special Court, in case CIS No. NDPS-318-2022, titled as '*State vs. Rajesh @ Jesha*', in case FIR No. 88 dated 28.06.2022 under Section 21(b) of the NDPS Act, registered at Police Station Dhariwal, District Gurdspur, Punjab, vide which bail bonds and surety bonds of the petitioner had been cancelled on account of non appearance.

2. It is, *inter alia*, contended by learned counsel for the petitioner that in compliance to the order passed by this Court on 11.02.2025, the petitioner has appeared before the learned trial Court and furnished the requisite bail bonds. In support of his contention, he has placed on record copy of order dated 17.02.2025 passed by learned Judge, Special Court, Gurdaspur, in this regard. He has also deposited cost of Rs.5,000/- in



compliance to the order dated 11.02.2025.

3. This aspect is not disputed by learned State counsel.
4. During the course of hearing on 11.02.2025, following order was passed:

“ 2. Heard.

3. It is, inter alia, contended by learned counsel for the petitioner that the petitioner after having been nominated in case FIR (Annexure P-1), was granted concession of bail vide order dated 14.07.2022, passed by learned Judge Special Court, Gurdaspur, in case No. CIS No. BA-2211-2021, 'Rajesh @ Jesha vs. State of Punjab' (Annexure P-2) and he had been regularly appearing in the Court on each and every date of hearing of the case. However, on account of death of his brother-in-law, as is evident from Annexure P-3/1, he could not appear in the Court leading to cancellation of his bail and issuance of nonailable warrants of arrest. He contends that now the case is pending before the learned Special Judge, Gurdaspur, for 21.03.2025 for the presence of the petitioner.

4. Learned counsel for the petitioner contends that the absence of the petitioner was not intentional and if granted concession of bail, the petitioner will regularly appear in the Court on each and every date of hearing without fail and face the trial.

5. Notice of motion, returnable for 03.03.2025.

6. On the asking of the Court, Mr. Ankit Grewal, DAG, Punjab, who is present in Court, accepts notice and does not dispute the factual matrix of the case.

7. Keeping in view the above facts and circumstances, the petitioner is directed to appear before the learned Trial Court/Judge on duty/Duty Magistrate within a period of 07 days from today and in that event, learned Trial Court/Judge on duty/Duty Magistrate will admit the petitioner on interim



bail subject to its satisfaction on his furnishing requisite bail/surety bonds. The petitioner is also burdened to pay a cost of Rs. 5,000/- in the District Legal Services Authority, Gurdaspur, as a condition precedent for grant of interim bail.

8. *The petitioner shall also furnish a specific undertaking before the learned Trial Court/Judge on duty that, in future, he would be regularly appearing before the concerned Court on each and every date and in case of some exigency, he will seek prior permission of the concerned Court qua his exemption to appear on the date fixed.”*

5. 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 11.02.2025, passed by this Court, the present petition is allowed. The order dated 16.07.2024 (Annexure P-4), passed by learned Judge Special Court, Gurdaspur, is set aside and the interim bail granted vide order dated 11.02.2024 is hereby confirmed.

6. The petition stands disposed of.

03.03.2025
Satyawan

(SANJIV BERRY)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No