

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

CRM-M-27096 of 2015
Date of decision : 20.08.2015

Nirmal Singh @ Nimma

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Ashish Gupta, Advocate for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab

JITENDRA CHAUHAN, J. (Oral)

This petition has been filed under Section 482 Cr.P.C. for quashing the impugned order dated 03.07.2015, (Annexure P-5) passed by the learned Additional Sessions Judge, Moga whereby the learned Appellate Court had issued non-bailable warrants of arrest of the petitioner for his failure to furnish bail bonds and surety bonds; and further for giving opportunity to the petitioner to furnish bail bonds and surety bonds before the learned trial court as per order dated 05.01.2015 passed by the learned Additional Sessions Judge, Moga.

The petitioner preferred an appeal before the court of learned Additional Sessions Judge, Moga wherein the court was pleased to suspend the sentence of the petitioner on furnishing bail bonds in the sum of Rs.40,000/- each with one surety bond and like amount each before the trial Court/Illaq Magistrate/Duty Magistrate within 15 days.

It is submitted that though the petitioner had already deposited

the fund but unfortunately he could not arrange for the surety to take the benefit of order dated 05.01.2015. Subsequently, the petitioner moved an application for extension of time to furnish bail bonds, which was allowed vide order dated 25.03.2015. However, the petitioner again could not comply with the order. Thereafter, vide order dated 03.07.2015, the petitioner was summoned through non bailable warrants of arrest for 19.08.2015 and on request the date was extended to 24.08.2015. It is submitted that the petitioner did not misuse the concession of bail rather the petitioner could not comply with the order on account of circumstances beyond his control as he could not arrange for the surety.

On the other hand, the learned State counsel submits that the petitioner has repeatedly misused the concession of bail.

Keeping in view the fact that the petitioner was unable to avail the benefit granted to him twice by the competent court for want of surety, in the absence of contradictory record the statement made by the learned counsel for the petitioner cannot be said to be illconceived.

Keeping in view the above order dated 03.07.2015 (Annexure P-5) is quashed. The petitioner is directed to appear before the trial Court, within a week from today, and furnish fresh bail bonds in the sum of Rs.1,00,000/-. In the event of his doing so, he shall be admitted to fresh bail by the trial Court, to its satisfaction.

20.08.2015

ashok

(JITENDRA CHAUHAN)
JUDGE