

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

254

CRM-M-8409-2018 (O&M)
Date of decision:30.05.2018

Jagroop Singh and another

...Petitioners

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr.Kanwaljyot Singh, Advocate for the petitioners.

Mr. Randeep Singh Bains, DAG, Punjab.

P.B. BAJANTHRI, J. (ORAL)

In the present petition, petitioner has challenged the order dated 08.02.2018 passed by Additional Sessions Judge, Gurdaspur whereby bail orders of the petitioners as well as their bail bonds and surety bonds were cancelled and forfeited. Learned counsel for the petitioners submitted that they had approached this court on 27.02.2018. Petitioners were extended the benefit of interim bail and petitioners were attending regularly. However, for not attending on 08.02.2018 impugned order has been passed by the Additional Sessions Judge, Gurdaspur. Hence the present petition.

2. Learned counsel for the petitioner submitted that on 08.02.2018 petitioners could not appear due to unavoidable circumstances, and no witness was present on that day to allege that they absented knowingly. Learned trial court instead of issuing notice proceeded to cancel the bail bonds and issued non-bailable warrant of arrest against the petitioners.

3. While resisting the petitioners' contention learned State counsel submitted that petitioners knowingly delaying the trial when they furnish bond to the satisfaction of the court to appear on each and every date they

are bound to do so. Even they have not filed application for exemption from personal apperance if there is any unavoidable circumstances. Petitioners also not availed the remedy under the provision of Sections 438 or 439 Cr.P.C. Trial court rightly cancelled their bail bonds.

4. Heard the learned counsel for the parties.

5. In view of the order dated 27.02.2018 passed in this petition petitioners are appearing before trial court. Their absence was only due to unavoidable circumstances. However, there is a lapse on their part in not making application for exemption since no witness was present before the trial court on 08.02.2018.

6. In view of these factual aspects, order dated 08.02.2018 qua the petitioners stands quashed.

7. With the above observation, petition stands disposed of.

30.05.2018

pooja saini

**(P.B.BAJANTHRI)
JUDGE**

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No