

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

**CRM-M No.43814 of 2019 (O&M)
Date of Decision: 03.12.2019**

Sukhdev Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Arnav Kumar Sood, Advocate for the petitioner.

Mr. Harpreet Singh Multani, AAG, Punjab for the respondent.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 482 Cr.P.C. for quashing the impugned order dated 10.01.2019 (*sic* – 01.10.2019) [P-4], passed by learned Sub Divisional Judicial Magistrate, Kharar, whereby bail order was cancelled and non-bailable warrants against the petitioner along with his co-accused have been issued in case bearing FIR No.27 dated 30.01.2016, under Sections 419, 420, 465, 467, 468, 471, 474 and 120-B of the Indian Penal Code, 1860, registered at Police Station City Kharar.

This Court, while issuing notice of motion on 16.10.2019, passed the following order:-

“Contends that non-appearance of the petitioner on 01.10.2019 was due to communication gap with his counsel before the learned trial Court.

Notice of motion for 16.11.2019.

In the meanwhile, the petitioner is directed to surrender before the learned trial Court forthwith. In case of his doing so, he will be released on interim bail till the next date of hearing on his furnishing adequate bail and surety bonds to its satisfaction.

Senior Superintendent of Police, SAS Nagar, is directed to secure the presence of other co-accused as reflected in order dated 01.10.2019 and also to take suitable measures against the surety also. ”

In terms of order dated 16.11.2019, passed by this Court, communication has been received from learned Sub Divisional Judicial Magistrate, Kharar has been received, which reads as under:-

“Kindly refer to your honour office order dated 16.11.2019 on the subject cited above. I have the honour to submit that applicant-petitioner Sukhdev Singh surrender before the undersigned on dated 22.10.2019 and furnished bail bonds as per Hon'ble High Court order dated 16.10.2019, but his application for surrender and furnishing bail bonds was inadvertently not registered as interim application on the CIS nor taken up on CIS portal because Reader of the Court was on leave on that day, therefore, the order dated 22.10.2019 was although typed, but was not reflected in the CIS due to absence of miscellaneous number or I.A. number on the application. This lapse is not on the part of undersigned, but undersigned undertakes to remain careful in future. Comments are hereby submitted for your kind perusal, please.”

The explanation seems to be justified and accepted.

Since the petitioner has already surrendered before learned trial Court on 22.10.2019 and released on bail and the non-appearance on 01.10.2019 was due to communication gap with his Counsel appearing before learned trial Court.

In view of above, present petition is allowed and impugned order dated 01.10.2019, passed by learned Sub Divisional Judicial Magistrate, Kharar is set aside and order dated 16.10.2019 of this Court is made absolute.

It is made clear that the petitioner shall fully co-operate with the learned trial Court and will not seek unnecessary adjournments.

The observations, made above, may not be considered as an expression of opinion on the merits of the case.

December 03, 2019
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>