

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-43037-2020

Date of Decision: 21.12.2020

Gurwinder Singh @ Guri

.. Petitioner

Vs.

State of Punjab

..Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sandeep Sharma, Advocate for the petitioner.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 482 Cr.P.C. for quashing of impugned order dated 12.02.2019 (Annexure P-2), whereby the learned Sub Divisional Judicial Magistrate, Payal, cancelled his bail and issued non-bailable warrants against him in case FIR No.168 dated 08.10.2014 under Sections 380 and 457 IPC, 1860 (Section 411 IPC, 1860 added later on), at Police Station Doraha, Police District Khanna, District Ludhiana.

Learned counsel for the petitioner has argued that the petitioner was granted the concession of regular bail by the trial Court in the year 2014, and he was regularly attending the trial proceedings, but absented on 07.09.2018, and it resulted in cancellation of his bail. He has pointed out that as the petitioner was implicated in another case bearing FIR No.1 dated 01.01.2016, wherein proclamation was also issued against him, therefore, he could not appear in the present case. He submits that later he was declared proclaimed offender in the subsequent case on 03.11.2018, however after his arrest, he was released on bail on 15.01.2019. Learned counsel has pointed out that as the actual position could not be brought to the notice of the Court,

therefore, the impugned order warrants interference.

After hearing the learned counsel for the petitioner, this Court finds that the proceedings in the present FIR were well within the knowledge of the petitioner, who was on bail. The explanation for his absence as offered by the petitioner is that as he was arrested in some other case and, therefore, he could not put in appearance is not worth acceptance as admittedly, he was released on bail in subsequent case on 15.01.2019, whereas his bail in the present case was cancelled on 12.02.2019.

Even otherwise, after his release on bail on 15.01.2019, the petitioner had enough time to join the trial proceedings, but he failed to do so. Therefore, this Court does not find any reason to exercise the inherent powers under Section 482 Cr.P.C.

Dismissed.

21.12.2020
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

No
No