

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

**CRM-M-39047-2021
Date of decision: 21.09.2021**

Jaspal Chand

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Monty Goyal, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for quashing of order dated 29.10.2019 (Annexure P-1) passed by learned Judicial Magistrate First Class, Amloh, District Farehgarh Sahib, wherein the present petitioner was declared a proclaimed person in FIR No. 115 dated 02.12.2017 (Annexure P-2), registered under Section 420, 120-B, 406 IPC at Police Station Amloh, District Fatehgarh Sahib.

Learned counsel for the petitioner submits that the petitioner was granted concession of regular bail and he was regularly attending the Court proceedings and under a *bona fide* belief that he stands discharged from the case, he stopped appearing before the Court.

Learned counsel further submits that since the petitioner is working as a driver, he remained outside and he was not aware of the pendency of the proceedings.

Though, on the face of it, the explanation given by the petitioner is not plausible, however, considering the fact that petitioner is intending to appear before the Court and face the trial, he is entitled to get another chance.

Notice of motion.

Mr. Joginder Pal Ratra, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondent-State and submits that the petitioner may be directed to surrender before the trial Court and apply for fresh bail.

Accordingly, the present petition is allowed and the impugned order dated 29.10.2019 is hereby set aside. The petitioner is directed to appear before the trial Court on or before 11.10.2021 and on doing so, the trial Court shall release the petitioner on regular bail, on his furnishing fresh bail/surety bonds to its satisfaction.

Till the time the petitioner appears before the trial Court, his arrest shall remain stayed.

However, this will be subject to deposit of costs of Rs. 20,000/- with Punjab and Haryana High Court Lawyers' Welfare Association for delaying the proceedings before the trial Court.

The petitioner will produce a receipt regarding deposit of aforesaid costs before the trial Court at the time of furnishing bail/surety bonds.

21.09.2021

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No