

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRR-1200-2021(O&M)
Date of decision : 12.10.2021

Suresh Kumar

... Petitioner

Versus

UT Chandigarh

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Ashish Pal Kaushal, Advocate
for the petitioner.

Ms.Simsi Dhir Malhotra, Addl.P.P., U.T. Chandigarh.

(Through Video Conferencing)

VIKAS BAHL, J.(ORAL)

Challenge in the present criminal revision petition is to the impugned order dated 27.09.2021 vide which the Additional Sessions Judge, Chandigarh, on account of the fact that neither the petitioner nor his counsel had appeared on 27.09.2021, cancelled the bail of the petitioner, forfeited his bail bonds to the State and issued his non-bailable arrest warrants for 09.12.2021.

Learned counsel for the petitioner *inter alia* contends that after grant of bail under Section 439 of the Cr.P.C., the petitioner has been regularly appearing and it was only on 27.09.2021, when on account of call given by Kissan Union for “Bharat Band”, the work was suspended and the petitioner or his counsel could not appear before the trial Court and on account of that, the bail of the petitioner Suresh Kumar had been cancelled and his bonds were forfeited to the State and non-bailable warrants of

petitioner Suresh Kumar were issued for 09.12.2021.

Learned counsel for the petitioner submits that the impugned order dated 27.09.2019 be set aside. He undertakes that the petitioner will appear on 09.12.2021 and keep appearing before the learned trial Court.

Notice of motion.

Ms.Simsi Dhir Malhotra, Addl.PP, has appeared for U.T., Chandigarh. She is fully prepared in the matter and has opposed the present petition.

Keeping in view the facts and circumstances, more so the fact that perusal of the impugned order would show that it is only one date, i.e. 27.09.2021 when the petitioner could not appear and for the said date, he has justifiable reason and inasmuch as as per the resolution dated 24.09.2021, the District Bar Association, Chandigarh, had unanimously decided that the work would be suspended on 27.09.2021 in view of the call given by Kissan Union for “Bharat Band”.

Thus, the present petition is allowed and the impugned order dated 27.09.2021 is set aside and bail/surety bonds restored accordingly, with the condition that the petitioner would appear on each and every date before the trial Court, unless his presence is specifically exempted by the trial Court.

(VIKAS BAHL)
JUDGE

October 12, 2021

Davinder Kumar

Whether speaking / reasoned

Yes/No

Whether reportable

Yes/No