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

CRM-M-48095-2021

Date of decision : 16.11.2021

Harmeet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Arjun Veer Sharma, Advocate for the petitioner.

Mr. N.K. Banka, DAG, Punjab.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 of Cr.P.C. for quashing of order dated 26.08.2021 (Annexure P-2) passed by the trial Court in case titled State of Punjab Vs. Ranjit Singh and others in FIR No.73 dated 17.05.2016 registered under Sections 379/34 of the Indian Penal Code, 1860 (hereinafter to be referred as “the IPC”) and Section 21 of the Mines and Minerals Act, 1957, at Police Station Meharban, District Ludhiana, vide which the bail bonds and surety bonds of the petitioner have been ordered to be cancelled.

Learned counsel for the petitioner has submitted that in the

present case, the FIR was registered on 17.05.2016 and the petitioner had been granted the benefit of bail and challan in the present case was presented on 16.01.2018 and thereafter, the charges were framed on 28.02.2018 and since then, the prosecution evidence has been going on and now the case is fixed for 22.11.2021. It is further argued that the petitioner had been appearing on each and every date but had unfortunately, noted the wrong date inasmuch as instead of 26.08.2021, the petitioner had noted the date as 26.09.2021 and when the petitioner met his counsel on 26.09.2021, he was informed about the order dated 26.08.2021 vide which the bail granted to him was cancelled and his bail bonds and surety bonds were cancelled and forfeited to the State and non-bailable warrants against him were issued and thereafter, on 17.09.2021, the proclamation proceedings under Section 82 of Cr.P.C. were issued against him and even notice issued to the surety was received back with the report that Paramjit Rai had left the rented accommodation. On 26.10.2021, the proclamation of the petitioner was duly effected but the serving constable did not come present.

Learned counsel for the petitioner has submitted that it is on account of the abovesaid facts, the petitioner could not appear on three dates and undertakes that the petitioner would appear on each and every date unless specific exemption is granted by the Court, in case the orders dated 26.08.2021, 17.09.2021 and 26.10.2021 are set aside.

Notice of motion.

On advance notice, Mr. N.K. Banka, DAG, Punjab, appears

and accepts notice on behalf of the State and has submitted that he is fully prepared to argue the matter and assist this Court. He has opposed the present petition and has submitted that even the surety is not appearing and thus, fresh surety of persons who are permanent residents of Ludhiana would be taken.

This Court has heard the learned counsel for the parties.

Keeping in view the fact that the petitioner had been appearing since 2016 and had not appeared for three dates for which explanation in the form of affidavit has been tendered by the petitioner that he had noted the wrong date, this Court is of the view that since the issuance of bailable warrants and non-bailable warrants is only to secure the presence of the petitioner and since the petitioner has undertaken to appear before the trial Court, thus, the orders dated 26.08.2021, 17.09.2021 and 26.10.2021, are set aside, subject to the payment of Rs.10,000/-, to be deposited in the High Court Lawyers' Welfare Fund.

The petitioner is directed to appear before the trial Court on 22.11.2021 i.e. the date fixed and show the receipt to the Court with respect to the deposit of an amount of Rs.10,000/- in the High Court Lawyers' Welfare Fund. The petitioner is further directed to fill fresh bail bonds/surety bonds subject to the satisfaction of the trial Court. The fresh surety bonds be taken from a person who is a permanent resident of Ludhiana.

In case, the petitioner does not deposit an amount of Rs.10,000/- before 22.11.2021 and does not produce the receipt before

the trial Court or misses any date during the course of trial, without specifically being granted exemption, the present petition would be deemed to have been dismissed.

In view of what has been observed above, the present petition is allowed.

16.11.2021

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No