

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(122)

CRM-M-10053-2022

Date of decision: - 09.03.2022

Sajan Singh

....Petitioner

Versus

The State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Gagandeep Singh Bajwa, Advocate
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C. for quashing of order dated 28.10.2021 (Annexure P-3), passed by the Additional Sessions Judge, Amritsar, vide which the bail orders and the surety bonds of the present petitioner have been cancelled arising out of FIR No.115 dated 29.11.2015, under Section 379-B(2) and 34 IPC, registered at Police Station Majitha, Amritsar Rural.

Learned counsel for the petitioner has submitted that the above-said FIR had been registered against the petitioner on 29.11.2015 and subsequently, he was granted regular bail in this case and he was regularly appearing before the trial Court. It is further submitted that the

charges in the present case were framed on 01.09.2021 and perusal of the said order would show that the petitioner had also appeared on the said date. It is further submitted that thereafter, the case was adjourned to 28.10.2021, but the petitioner noted a wrong date i.e. 18.02.2022 and thus, could not appear on 28.10.2021. It is submitted that on account of his non-appearance on 28.10.2021, the bail granted to the petitioner was cancelled and the bail bonds/surety bonds stood forfeited to the State and arrest warrants were issued against him for 30.11.2021. Learned counsel for the petitioner has further submitted that on the said date, and also on the two subsequent dates when the matter came up, no witness was present and thus, no substantial delay has been caused in the trial.

Notice of motion.

On the asking of the Court, Mr. Sarabjit S. Cheema, AAG, Punjab, appears and accepts notice on behalf of the State and is fully prepared to argue the matter and has opposed the present petition under Section 482 Cr.P.C. It has been submitted that the impugned order has been correctly passed inasmuch as the present petitioner, in spite of the fact that he had been regularly appearing before the Court, he had not appeared on 28.10.2021. It has further been submitted that even on the two subsequent dates when the matter came up, the petitioner did not appear and now the case is pending for 16.05.2022.

This Court has heard the learned counsel for the parties and has perused the paper book.

The FIR in the present case was registered in the year 2015 and the charges in the same were framed on 01.09.2021. The petitioner

was granted regular bail and was appearing regularly before the trial Court and as is apparent from the order dated 01.09.2021, he had appeared along with his counsel. It is the case of the petitioner that he had noted a wrong date i.e. 18.02.2022 and thus, could not appear on 28.10.2021 and also on the subsequent two dates. It is further submitted that the petitioner, on coming to know about the said order, has instantly filed the present petition. A perusal of the order dated 28.10.2021, as well as the two subsequent orders, would show that on the said dates, no witness of the prosecution was present and thus, although on account of the non-appearance of the petitioner, there has been some delay, but there is no substantial delay in the trial. The petitioner is now ready to appear before the Court and the ultimate purpose of issuance of non-bailable warrants and cancellation of bail is to secure the presence of the petitioner before the Court.

Keeping in view the above-said facts and circumstances, the present petition is allowed and the orders dated 28.10.2021 as well as orders dated 30.11.2021 and 14.02.2022, insofar as the bail of the petitioner has been cancelled and bail bonds/surety bonds of the petitioner have been forfeited to the State and arrest warrants have been issued against the petitioner and further, even notice has been issued to the surety of the petitioner, are set aside, subject to the petitioner appearing before the trial Court within a period of 15 days from today and also subject to his depositing a sum of Rs.10,000/- with the trial Court within the said period, which would then be released to the complainant Jasbir Singh son of Ram Singh by the trial Court. In case the petitioner appears

before the trial Court within a period of 15 days from today and deposits the said amount within the said period, then the petitioner would be released on bail subject to his furnishing fresh bail bonds/surety bonds to the satisfaction of the trial Court. It is made clear that in case the petitioner does not appear within the said period of 15 days or does not deposit the amount of Rs.10,000/ within the said period, then the present petition would be deemed to have been dismissed. On deposit of the said amount, the trial Court is directed to release the said amount to the complainant.

March 09, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes
No