

130

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

CRM-M-12911-2022

Date of decision : 28.03.2022

Ranbir Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Navdeep Kalair, Advocate for the petitioner.

Mr. Harpreet S. Multani, AAG, Punjab.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 of Cr.P.C. for quashing of impugned order dated 20.12.2021 (Annexure P-1) whereby bail order of the petitioner has been cancelled and bail bonds/surety bonds have been forfeited to the State and the petitioner has been summoned through non-bailable warrants of arrest as well as order dated 29.10.2021 (Annexure P-4) and order dated 28.09.2021 (Annexure P-3) passed by the Chief Judicial Magistrate, SAS Nagar, Mohali in FIR No.193 dated 29.08.2014 registered under Sections 353, 186 and 506 of IPC at Police Station Phase-1, District SAS Nagar, Mohali.

Learned counsel for the petitioner has submitted that in the present case, the FIR was registered on 29.08.2014 and the petitioner was

thereafter granted the bail on 12.09.2017 and the challan was presented and the petitioner had been regularly appearing before the Court but on 28.09.2021, the petitioner could not appear in the Court as he was busy taking his mother to Amrit Bone and Joint Clinic where it was discovered that his mother is suffering from “Osteopenia” and the Doctor had advised to conduct certain tests which were scheduled on 28.09.2021. He has relied upon the medical record (Annexure P-7) in support of his arguments. It is submitted that none of the witnesses were present on the dates when the petitioner could not appear and has further submitted that on account of his non-appearance, the bail order of the petitioner was cancelled and the bail bonds/surety bonds of the petitioner were forfeited to the State and non-bailable warrants were issued against him vide order dated 20.12.2021 (Annexure P-1). It is contended that the case before the trial Court is now fixed for 01.04.2022 and the petitioner now undertakes to appear on the said date and also on each and every date thereafter unless his personal appearance is specifically exempted by the trial Court

Notice of motion.

On advance notice, Mr. Harpreet S. Multani, AAG, 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 submitted that the impugned order has been rightly passed as the petitioner had not put in appearance in spite of the fact that he had knowledge of the said proceedings.

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

It is not in dispute that the petitioner was released on bail on 12.09.2017 and as per the zimni order dated 15.05.2018 (Annexure P-5), the petitioner had been appearing before the trial Court. It is the case of the petitioner that on 27.09.2021, he was busy in taking his mother to Amrit Bone and Joint Clinic where it was discovered that his mother is suffering from "Osteopenia" and Doctor had advised to conduct certain scans of his mother which were scheduled on 28.09.2021 and in support of the same, medical report of the petitioner's mother has been annexed as Annexure P-7 with the present petition and on the said account, the petitioner could not appear on 28.09.2021 and on the subsequent dates. The said plea taken by the petitioner shows that there was a genuine and bona fide reason for the petitioner to not appear before the trial Court. The bail order of the petitioner was cancelled and the bail bonds/surety bonds of the petitioner were also forfeited to the State and non-bailable warrants were issued against him. None of the witnesses were present on the dates when the petitioner could not appear. The case before the trial Court is now fixed for 01.04.2022 and the petitioner has now undertaken to appear on 01.04.2022 and also on each and every date thereafter unless his personal appearance is specifically exempted by the trial Court.

Keeping in view the abovesaid facts and circumstances, the present petition is allowed and the impugned order dated 20.12.2021 (Annexure P-1) is set aside subject to the petitioner appearing before the trial Court on 01.04.2022 and also on each and every date thereafter unless his personal appearance is specifically exempted by the trial Court and also subject to petitioner depositing an amount of Rs.7,000/- as costs with the

High Court Lawyers' Welfare Fund and subject to producing receipt regarding the same before the trial Court. In case, the petitioner appears before the trial Court on 01.04.2022 then he would be released on bail on his furnishing bail bonds/surety bonds subject to the satisfaction of the concerned trial Court.

It is, however, clarified that in case, the petitioner does not appear on 01.04.2022 before the trial Court and does not deposit an amount of Rs.7000/- abovesaid with the High Court Lawyers' Welfare Fund or does not produce the receipt regarding the same on 01.04.2022 before the trial Court, then the present petition would be deemed to have been dismissed.

28.03.2022*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:- Yes/No****Whether reportable:- Yes/No**