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

CRM-M-20643-2022

Date of decision : 13.05.2022

Jaswinder Singh @ Bittu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Lakshay Bector, Advocate for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 of Cr.P.C. for quashing of order dated 08.11.2021 (Annexure P-6) passed by the Additional Sessions Judge, Ludhiana, vide which bail granted to the petitioner in FIR No.222 dated 02.08.2017 registered under Section 379 of the Indian Penal Code, 1860 and Section 21 of the Mines and Minerals (Development and Regulation) Act, 1957 at Police Station Sidhwan Bet, District Ludhiana has been cancelled and bail bonds and surety bonds were ordered to be forfeited to the State.

Learned counsel for the petitioner has submitted that in the present case, the petitioner was granted regular bail on 17.08.2017 (Annexure P-2) and thereafter, the petitioner was regularly appearing before

the Court and thereafter, on account of the COVID-19 pandemic, the case was being adjourned and the petitioner was not aware that the proceedings have started and on account of the same, the petitioner could not appear on 08.11.2021 and the bail of the petitioner was cancelled and bail bonds and surety bonds were ordered to be forfeited to the State and non-bailable warrants were also issued against the petitioner and notice to his surety was also issued on that very date. It is submitted that the case before the trial Court is now fixed for 03.07.2022 and the petitioner would appear before the trial Court within a period of three weeks from today, in case, he is granted protection and also undertakes to appear before the trial Court on each and every date unless his appearance is personally exempted by the Court.

Notice of motion.

On advance notice, Mr. Sarabjit S. Cheema, 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 has submitted that the petitioner was granted bail and was well aware about the proceedings and thus, his non-appearance on 08.11.2021 is not justified and even, thereafter, the petitioner has not appeared.

Keeping in view the abovesaid facts and circumstances, moreso the facts that the petitioner was granted regular bail on 17.08.2017 and as per the case of the petitioner, he was regularly appearing before the Court till the COVID-19 pandemic stepped in and, thereafter, did not know that the proceedings have commenced again and on account of the same, order

dated 08.11.2021 was passed and the petitioner is now ready to appear before the trial Court within a period of three weeks from today, the present petition is allowed and the order dated 08.11.2021 to the extent that the bail of the petitioner-Jaswinder Singh has been cancelled and his bail bonds and surety bonds have been ordered to be forfeited to the State and non-bailable warrants have been issued against Jaswinder Singh and notice has been issued to his surety, is set aside subject to the petitioner appearing before the trial Court within a period of three weeks from today and on his appearance, the trial Court is directed to release the petitioner on bail on his furnishing bail bonds/surety bonds to the satisfaction of the concerned trial Court. The same would also be subject to the petitioner depositing an amount of Rs.10,000/- within the stipulated time with Punjab and Haryana High Court Employees' Welfare Association Fund and would also be subject to the petitioner giving an undertaking to the trial Court that he would appear before the trial Court on each and every date unless his appearance is personally exempted by the Court.

It is, however, clarified that in case, the abovesaid conditions are not complied with by the petitioner within the stipulated period, then the present petition would be deemed to have been dismissed.

13.05.2022*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:-****Yes/No****Whether reportable:-****Yes/No**