

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

136

CRM-M-23558-2022
Decided on : 26.05.2022

Gagandeep @ Gagan Gill

. . . Petitioner

Versus

State of Punjab

. . . Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Gagandeep Singh Bajwa, Advocate
for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

VIKAS BAHL, J. (Oral)

The present petition has been filed under Section 482 Cr.P.C. for for quashing of the order dated 08.04.2022 passed by JMIC, Amritsar vide which the bail bonds of the present petitioner has been cancelled and forfeited to the State and arrest warrants has been issued to the petitioner with respect to FIR No. 147 dated 24.08.2021 under Section 379-B of the Indian Penal Code, 1860 (Section 411 IPC added later on) registered at Police Station Majitha Road, Amritsar City.

Learned counsel for the petitioner has submitted that the petitioner was granted bail vide order dated 03.03.2022 and thereafter, on account of health issues, could not appear on 08.04.2022 and on subsequent dates, on account of which, the impugned order was passed. It is submitted that a perusal of Annexure P-6 to P-8 would show that no witnesses were present on the said dates and has further submitted that

the case is now listed for 30.05.2022 and he would appear before the trial Court on the said date and would also give an undertaking that he would appear on each and every date before the trial Court except the date on which his personal appearance is specifically exempted.

Notice of motion.

On advance notice, Mr. Sarabjit S. Cheema, AAG, Punjab appears on behalf of the State and is fully prepared to oppose the present petition and has submitted that even on 11.03.2022 and 25.03.2022, the petitioner had moved an application for exemption and on 08.04.2022, since the petitioner had not appeared thus, the said impugned order was passed.

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

The petitioner was granted bail on 03.03.2022. It is the case of the petitioner that the petitioner is not keeping in good health and it is on account of the said fact that on 08.04.2022, the petitioner could not appear on account of which the impugned order was passed. The case is now stated to be fixed on 30.05.2022. A perusal of the orders Annexures P-6 to P-8 would show that no witness was produced by the prosecution before the trial Court on the said dates.

Keeping in view the abovesaid facts and circumstances, the present petition is allowed and the impugned order dated 08.04.2022 to the extent the bail granted to the present petitioner has been cancelled and his bail bonds have been forfeited to the State and also non bailable

warrants have been issued, is set aside subject to the petitioner appearing before the trial Court on the next date i.e. 30.05.2022 and also subject to him depositing an amount of Rs.7,000/- before the Punjab & Haryana High Court Employees' Welfare Association Fund and also subject to the petitioner giving an undertaking before the trial Court that he would appear on each and every date except the date on which his personal appearance is specifically exempted.

In case, the petitioner complies with the said conditions and appears on 30.05.2022, then the trial Court would release the petitioner on bail subject to the petitioner furnishing surety bonds/bail bonds to the satisfaction of the trial Court.

It is made clear that in case, the petitioner does not comply with the abovesaid conditions, then the present petition would be deemed to have been dismissed.

(VIKAS BAHL)
JUDGE

26.05.2022

Mehak

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No