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

CRM-M-23412-2022

Date of decision : 26.05.2022

Harmanpreet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Barjinder Singh, 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 07.03.2022 (Annexure P-7) passed by the Additional Sessions Judge, Sangrur in FIR No.190 dated 04.12.2017 registered under Sections 307, 336, 323, 34, 201, 120-B of the Indian Penal Code, 1860 and Sections 25, 30 of the Arms Act, 1959 at Police Station Lehra, District Sangrur.

Learned counsel for the petitioner has submitted that in the present case, the petitioner was granted bail vide order dated 08.01.2018 (Annexure P-2) and challan was presented in the Court on 12.04.2018. It is further submitted that the petitioner had been regularly appearing before the trial Court. It is contended that on account of resurgence of

COVID-19, the Courts were functioning in a restricted manner and even entry in the Courts rooms was restricted. On 24.01.2022, the case was adjourned to 07.02.2022 and on 07.02.2022, the case was adjourned to 07.03.2022 and the accused persons were directed to appear before the Court. It is further contended that the counsel for the petitioner had noted 17.03.2022 as the wrong date instead of the actual date i.e., 07.03.2022 and on account of the said fact, the petitioner could not appear before the trial Court on 07.03.2022 and the bail granted to the petitioner was cancelled and bail bonds/surety bonds were cancelled and forfeited to the State. It is argued that the case before the trial Court has now been adjourned to 06.06.2022 and the petitioner would appear on or before the said date of hearing i.e. 06.06.2022 before the trial Court, in case, he is granted protection. It is further contended that the petitioner 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 had not appeared on 07.03.2022 and thus, the impugned order had rightly been passed. It is also submitted that several dates have been taken by the accused persons for producing their defence witnesses.

This Court has heard the learned counsel for the parties and

has perused the record.

The petitioner was granted bail vide order dated 08.01.2018 and as per the zimni orders, the petitioner was regularly appearing before the trial Court but could not appear on 07.03.2022 as his counsel had noted 17.03.2022 as the wrong date instead of 07.03.2022. A perusal of order dated 07.03.2022 would show that on the said date, no witness was present. The case before the trial Court is now fixed for 06.06.2022.

Learned counsel for the petitioner has already submitted that the petitioner has undertaken to appear before the trial Court on or before the next date of hearing i.e. 06.06.2022 and to also appear on each and every date before the trial Court 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 07.03.2022 to the extent that the bail of the petitioner-Harmanpreet Singh has been cancelled and his bail bonds/surety bonds have been cancelled and forfeited to the State and warrants of arrest have been issued against the present petitioner and notice has been issued to his surety, is set aside subject to the petitioner appearing before the trial Court on or before the next date of hearing i.e. 06.06.2022 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 the trial Court, which would

be released/paid to the complainant by the trial Court 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 within the stipulated period, then the present petition would be deemed to have been dismissed.

26.05.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No