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

CRM-M-29882-2022

Date of decision : 15.07.2022

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. Sukhbeer Singh, AAG, Punjab.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 of Cr.P.C. for quashing of impugned order dated 01.07.2022 (Annexure P-1) passed by the Judicial Magistrate Ist Class, Amritsar, vide which, the petitioner has been declared as proclaimed person in FIR No.148 dated 25.08.2021 registered under Sections 379B(2), 148, 149 of the Indian Penal Code, 1860 at Police Station Majitha Road, Amritsar City (Annexure P-2).

Learned counsel for the petitioner has submitted that in the present case, the petitioner was granted the concession of anticipatory bail vide order dated 16.11.2021 passed by the Sessions Judge, Amritsar and on 03.03.2022, the petitioner had appeared before the trial Court and was directed to furnish bail bonds and surety bonds and thereafter, the

matter was adjourned for several dates. It is further submitted that the petitioner could not appear before the trial Court as he was suffering from health issues as he became victim of drugs and accordingly, was sent by his family members for taking medicines and religious classes of Guru Ki Bani from the institution of Baba Banda Singh Bahadur Gurmat Vidhyalay situated at G.T. Road, Batala, District Gurdaspur and has relied upon Certificate (Annexure P-4) and thereafter, when the petitioner learnt that his bail bonds have been cancelled, the petitioner had filed petition bearing No.CRM-M-23558-2022 before this Court but however, inadvertently wrong FIR was annexed in the same. It is contended that even the averments in that petition that the petitioner was granted bail on 03.03.2022 was also made on account of inadvertence. It is further contended that the petitioner undertakes to appear before the trial Court within a period of 15 days and also on each and every date unless his appearance is personally exempted by the Court and is also ready to compensate the complainant-Narinder Kumar son of Madan Lal for the inconvenience caused to him on account of absence of the petitioner.

Notice of motion.

On advance notice, Mr. Sukhbeer Singh, 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 01.07.2022 and thus, the impugned order had rightly been passed and same is in accordance with law.

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

It is the case of the petitioner that the petitioner was granted the concession of anticipatory bail by the Sessions Judge, Amritsar on 16.11.2021 and thereafter, he was suffering from health issues as he became a victim of drugs and accordingly, was sent by his family members for taking medicines and religious classes of Guru Ki Bani from the institution of Baba Banda Singh Bahadur Gurmat Vidhyalay situated at G.T. Road, Batala, District Gurdaspur due to which he could not appear before the trial Court on 01.07.2022 and declared proclaimed person. Now, the petitioner undertakes to appear before the trial Court within a period of 15 days and also on each and every date unless his appearance is personally exempted by the Court and is also ready to compensate the complainant-Narinder Kumar son of Madan Lal for the inconvenience caused to him on account of his absence.

Although, the petitioner has not pursued his case diligently but since, the petitioner is ready to compensate the complainant and is also ready to appear on each and every date before the trial Court, thus, ends of justice would be met as endeavour would be made to proceed with the trial.

Keeping in view the abovesaid facts and circumstances, the present petition is allowed and the impugned order dated 01.07.2022 (Annexure P-1) is set aside subject to the petitioner appearing before the trial Court within a period of 15 days 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.25000/- within the stipulated time with the trial Court, which would be 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 personal appearance is specifically 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.

15.07.2022*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:- Yes/No****Whether reportable:- Yes/No**