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

CRM-M-31674-2022

Date of decision : 22.07.2022

Rajesh Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Chandan Singh Rana, Advocate and
Ms. Himani Pathania, 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 order dated 28.03.2022 passed by the Additional Sessions Judge, Ludhiana, whereby the petitioner's bail order was cancelled, his bail bonds and surety bonds were ordered to be forfeited to the State and was ordered to be summoned through non-bailable warrants of arrest and notice to his surety was also issued in FIR No.60 dated 15.03.2019 registered under Sections 353/186/332/333 of the Indian Penal Code, 1860 at Police Station Moti Nagar, District Ludhiana.

Learned counsel for the petitioner has submitted that the petitioner was arrested on 15.03.2019 and was granted the concession of regular bail on 01.04.2019 and had been appearing regularly on each and every date of hearing before the trial Court and has referred to zimni orders regarding the

same and it is only when he had noted the wrong date inasmuch as instead of 28.03.2022, he had noted 28.04.2022, that on account of his non-appearance, the impugned order had been passed on 28.03.2022. It is further submitted that on the date of passing of the impugned order, no prosecution witness was present. It is contended that the petitioner undertakes to appear before the trial Court on or before 01.08.2022 which is the next date of hearing before the trial Court and also to appear on each and every date before the trial Court unless his personal appearance is specifically exempted by the trial Court.

On the other hand, learned State Counsel, who is fully prepared to argue the matter and assist this Court, has opposed the present petition and has submitted that since, the petitioner had appeared on the previous date thus, he should have been aware about the next date of hearing i.e. 28.03.2022 and it was on account of his non-appearance that the impugned order had been rightly passed.

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

In the present case, the petitioner was arrested on 15.03.2019 and was granted the concession of regular bail vide order dated 01.04.2019 (Annexure P-2). A perusal of the zimni orders would show that the petitioner had been regularly appearing on each and every date of hearing before the trial Court and it is the case of the petitioner that he had noted the wrong date as 28.04.2022 instead of 28.03.2022 and it is on account of the said fact that the petitioner could not appear on 28.03.2022, on which date, the impugned order was passed. A perusal of the order dated 28.03.2022 would show that no prosecution witness was present on the said date.

Learned counsel for the petitioner has already submitted that the

petitioner has undertaken to appear before the trial Court on or before 01.08.2022 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 28.03.2022 is set aside to the extent that petitioner's bail order has been cancelled, his bail bonds and surety bonds have been forfeited to the State and he has been summoned through non-bailable warrants of arrest and notice to his surety has been issued, subject to the petitioner appearing before the trial Court on or before 01.08.2022 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.5000/- within the stipulated time with High Court Lawyers' Welfare 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 within the stipulated period, then the present petition would be deemed to have been dismissed.

It is clarified that in the present case, impugned order dated 28.03.2022 qua other co-accused Surinder Singh, has not been set aside by this Court.

22.07.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No