

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

135

CRM-M-32571-2022
Decided on : 04.08.2022

Simardeep Singh @ Sunny Dhillon

. . . Petitioner

Versus

State of Punjab

. . . Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Saurabh Arora, 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 setting aside the order dated 30.04.2022 passed by Judicial Magistrate 1st Class, Amritsar in CHI-627 of 2019 in rapat No. 18 dated 02.05.2019 under Section 182 of the Indian Penal Code, 1860 registered at Police Station Islamabad, District Amritsar vide which the bail order of the petitioner has been cancelled and his bail bonds and surety bonds stand cancelled and forfeited to the State.

Learned counsel for the petitioner has submitted that in the present case, the petitioner has got registered FIR No. 57 dated 02.06.2014 under Sections 307, 120-B, 336 and 34 of the Indian Penal Code, 1860 against three persons and in the said FIR, the police had filed a calendra dated 17.04.2019 under Section 182 IPC against the present petitioner and in the said proceedings, the petitioner was declared as proclaimed person

vide order dated 07.03.2020 and the said order was challenged by the petitioner by filing CRM-M-36181-2021 in which case a coordinate Bench of this Court vide order dated 23.09.2021 was pleased to issue notice of motion and had further directed the petitioner to surrender before the trial Court within 10 days from the passing of the said order and it was further observed that on his said appearance, he shall be admitted to interim bail. It is further submitted that the said matter is still pending and the interim order is still continuing. It is contended that in pursuance of the said order, the petitioner had appeared before the trial Court on each and every date and for the said purpose, a reference has been made to the zimni orders dated 07.10.2021 and 21.01.2022 (Annexures P-10 and P-13 respectively). It is further contended that on 11.01.2022, the file was taken up by the Judicial Magistrate 1st Class, Amritsar while working from home. It is argued that the wife of the petitioner was suffering from Polycystic Ovarian disease on account of which, the petitioner could not appear before the trial Court on 30.04.2022 on which date, the impugned order was passed. Reference has been made to the medical documents of the wife of the petitioner which have been annexed as Annexure P-18. It is also submitted that on 30.04.2022, no prosecution witness had appeared and the case is fixed for 12.09.2022 and now, the petitioner undertakes to appear before the trial Court within a period of two weeks from today and has also submitted that for the lapse of the petitioner, he is also ready to compensate the persons against whom the petitioner had got the FIR registered.

On advance notice, Mr. Sarabjit S. Cheema, AAG, Punjab.

Appears and has opposed the present petition and has submitted that in the present case, the petitioner was aware about the date before the trial Court as he had appeared on the earlier dates yet, he did not appear on 30.04.2022 and no application for exemption of his appearance was filed by him and thus, the order dated 30.04.2022 has been rightly passed.

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

A perusal of the record would show that the petitioner had got registered FIR No. 57 dated 02.06.2014 under Sections 307, 120-B, 336 and 34 of the Indian Penal Code, 1860 against three persons and in the said FIR, the police had filed a calendra dated 17.04.2019 under Section 182 IPC against the present petitioner and in the said proceedings, the petitioner was declared as proclaimed person vide order dated 07.03.2020 and the said order was challenged by the petitioner by filing CRM-M-36181-2021 and a coordinate Bench of this Court vide order dated 23.09.2021 was pleased to direct the petitioner to surrender and appear before the trial Court within 10 days from the date of passing of the said order with a further direction that on his doing so, he would be granted interim bail. In pursuance of the said order, the petitioner had been appearing before the trial Court and it is the case of the petitioner that he could not appear on 30.04.2022 as he had gone to the hospital to take care of his wife who was suffering from Polycystic Ovarian disease and with respect to the same, the petitioner has placed on record the medical report

(Annexure P-18). A perusal of the order dated 30.04.2022 would show that no prosecution witness was present on the said date. The petitioner now undertakes to appear before the trial court within a period of two weeks from today and the case is now stated to be listed for 12.09.2022.

Keeping in view the abovesaid facts and circumstances, the present petition is allowed and the order dated 30.04.2022 is ordered to be set aside subject to the petitioner appearing before the trial Court within a period of two weeks from today and on his appearance, the trial Court would release him on bail subject to the satisfaction of the trial Court and also subject to the petitioner depositing demand drafts to the tune of Rs.7,000/- each in the names of Raj Rani W/o Baldev Raj, Sonu Khanna and Gullu with the Investigating Officer and the Investigating Officer is directed to hand over the said demand drafts to the abovenamed three persons and take a receipt from them and also subject to the petitioner giving an undertaking to the trial Court that he will appear on each and every date unless his appearance is specifically exempted.

It is, however, made clear that in case of non compliance of the said order, the present petition would be deemed to have been dismissed.

(VIKAS BAHL)
JUDGE

04.08.2022

Mehak

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No