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

CRM-M-33247-2022

Date of decision : 29.07.2022

Joginder Singh and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Bhupender Singh, Advocate for the petitioners.

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 11.07.2022 (Annexure P-5) passed by the ACJM, SAS Nagar, Mohali in case No.CHI-374-2017 titled as State Vs. Abhimanyu, arising out of FIR No.104 dated 27.08.2013 registered under Section 420 of the Indian Penal Code, 1860 (Sections 467, 468, 471 of IPC have been added later on) at Police Station Banur, District SAS Nagar (Annexure P-1) vide which bail order of the petitioners has been cancelled and their bail bonds and surety bonds are forfeited and the petitioners have been summoned through non-bailable warrants for 02.08.2022.

Learned counsel for the petitioners has submitted that in the present case, the petitioners were granted bail in the abovesaid FIR and

were regularly appearing before the Court and had even appeared on 30.03.2022 and 27.04.2022 and the case was adjourned to 24.05.2022. It is further submitted that the petitioners could not appear on 24.05.2022 and 11.07.2022 as they have noted wrong date i.e. 20.07.2022 instead of 24.05.2022. It is contended that on 24.05.2022 and 11.07.2022, no prosecution witness was present and the petitioners are now ready to appear before the trial Court on 02.08.2022 which is the next date before the trial Court and also on each and every date before the trial Court unless their personal appearance is specifically exempted by the trial Court.

On the other hand, learned State Counsel has opposed the present petition and has submitted that although, the petitioners were aware about the said proceedings but yet did not chose to appear on 24.05.2022 and 11.07.2022 and thus, 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 petitioners were granted bail in abovesaid FIR and thereafter as apparent from orders dated 30.03.2022 (Annexure P-2) and 27.04.2022 (Annexure P-3), the petitioners had appeared before the trial Court and thereafter, did not appear on 24.05.2022 and 11.07.2022 on account of wrong date having been noted. A perusal of orders dated 24.05.2022 and 11.07.2022 would show that no prosecution witness was present on the said two dates.

Learned counsel for the petitioners has already submitted that the petitioners have undertaken to appear before the trial Court on 02.08.2022 and to also appear on each and every date before the trial Court

unless their 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 11.07.2022 is set aside subject to the petitioners appearing before the trial Court on 02.08.2022 and on their appearance, the trial Court is directed to release the petitioners on bail on their furnishing bail bonds/surety bonds to the satisfaction of the concerned trial Court. The same would also be subject to the petitioners depositing an amount of Rs.3000/-each before 02.08.2022, with Punjab and Haryana High Court Employees' Welfare Association Fund and would also be subject to the petitioners giving an undertaking to the trial Court that they would appear before the trial Court on each and every date unless their 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.

29.07.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No