

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

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**CRM-M-37962-2022
Decided on : 26.08.2022**

Baljit Singh and another

. . . Petitioner(s)

Versus

State of Punjab

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Gopal Singh Nahel, Advocate
for the petitioner(s).

SANJAY VASHISTH, J. (Oral)

By way of present petition filed under Section 482 Cr.P.C., petitioners are seeking quashing of the order dated 14.07.2022 (Annexure P-4), passed by learned JMIC, Moonak, vide which the bail of the petitioners were cancelled and bail bonds forfeited and non-bailable warrants of arrests have been issued in case FIR No. 6, dated 11.01.2014, under Sections 419, 420, 465, 468, 471, 201, 120-B of IPC, registered at Police Station Khanauri, District Sangrur.

Counsel for the petitioners submits that prior to the aforesaid date i.e. 14.07.2022, petitioner was never absent from the Court and was appearing on each and every date and petitioners are not involved in any other criminal case. Resultantly, learned trial Court while cancelling the bail orders of petitioners, issued non-bailable warrants and the next date fixed now is 03.09.2022.

Counsel for the petitioners further contends that due to lack of communication, the petitioners could not acknowledge the correct date of appearance and therefore, the said default was *bona-fide*. He further submits that the petitioners are ready to appear and join the proceedings before the learned trial Court and further requests that in case of their appearance before the trial Court, they be granted the concession of bail again.

Notice of motion.

Mr. J.S. Arora, DAG, Punjab, has put in appearance on behalf of

the respondent - State and opposed the request of the learned counsel for the petitioners by submitting that petitioners, in fact, had knowledge about the date of appearance, but to prolong the proceedings, they kept themselves absent from Court. Therefore, the conduct of the petitioners of being absent from Court should not be taken lightly and the order dated 14.07.2022 (Annexure P-4), be upheld, as the same has been passed as per law.

Considering the contentions made by learned counsel for the parties, this Court is of the view that paramount consideration for the Court is to seek presence of the accused instead of delaying the proceedings by again getting the notices issued for non-bailable warrants.

Therefore, it would be appropriate in the interest of justice, if petitioners are granted one more opportunity to appear before the trial Court. In case, petitioners appears before the trial Court, within a period of 10 days from today, the learned trial Court would release them on bail subject to their furnishing requisite fresh bail/surety bonds to the satisfaction of the trial Court. Besides, petitioners would submit specific undertaking/affidavit that they will keep appearing during the proceedings of the trial in future and the proceedings would not be delayed because of their conduct.

In view of above, the present petition is hereby allowed.

(SANJAY VASHISTH)
JUDGE

August 26, 2022

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No