

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

Sr. No.125

CRM-M-37998-2022

Date of decision : 25.8.2022

Harvinder Singh @ Lal Singh

.....Petitioner

VERSUS

State of Punjab

..... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr.Amit Jain, Advocate for the petitioner

AMAN CHAUDHARY, J.

Prayer in the present petition filed under Section 482 of the Code of Criminal Procedure is for quashing of order dated 14.6.2022 passed by the trial Court in FIR No.145 dated 7.6.2020, registered under Sections 323, 324, 341, 34 IPC at Police Station Lohra, District Sangrur, whereby the bail/surety bonds of the petitioner were cancelled and non-bailable warrants were issued against the petitioner.

Learned counsel for the petitioner has submitted that the petitioner was nominated in the FIR on the basis of the statement of the complainant-Lal Singh, wherein he stated that the petitioner alongwith other co-accused armed with stick, iron-shoker and kirpan inflicted injuries upon him. It is further submitted that the petitioner was granted the concession of bail vide order dated 6.1.2022 (Annexure P-2) and thereafter,

the petitioner had been appearing regularly in the case. It is only on 14.6.2022, when the petitioner could not appear because mistakenly, he appeared before some other Court. It is argued that on account of the said non-appearance, the bail bonds/surety bonds of the petitioner were cancelled and non-bailable warrants were issued for 26.8.2022. It is submitted that the petitioner would appear within a period of 15 days from today before the trial Court, in case, he is granted protection subject to imposition of costs, if any. In support of his arguments, learned counsel for the petitioner relies upon the judgment dated 19.1.2022 passed by a Coordinate Bench of this Court in **CRM-M-968-2022**, titled as “**Manpreet Singh vs. State of Punjab**”.

Notice of motion.

On advance notice, Mr. Mavpreet Singh, DAG, Punjab, appears and accepts notice on behalf of the State. He opposes the present petition and states that the impugned order had rightly been passed by learned trial Court on account of non-appearance of the petitioner.

This Court has heard the learned counsel for the parties.

No order prejudicial to the rights of complainant is being proposed to be passed by this Court, thus, there is no requirement for him to be arrayed as party respondent.

From a bare perusal of order dated 14.6.2022 passed by learned JMIC, Moonak, it reveals that the petitioner could not appear in the case and thus, his bail was cancelled and non-bailable warrants were issued for 26.8.2022. The petitioner has approached this Court before that date, which reflects his bonafide.

A coordinate bench of this Court, in **Manpreet Singh's** case (supra), which has been relied on by the learned counsel for the petitioner, had in somewhat similar circumstances observed that the petitioner in that case had not appeared on one date, owing to which, non-bailable warrants had been issued, set aside the order of the trial Court, finding it bonafide that he had approached this Court before the date for which the non-bailable warrants had been issued.

It may be noticed that, as is, the submission of the learned counsel for the petitioner that the non-appearance of the petitioner was on one date i.e. 14.6.2022 was that by mistake he appeared before another Court. This Court finds the explanation of the petitioner to be apparently genuine. Keeping in view the very purpose of issuance of non-bailable warrants, being, to secure the presence of the petitioner, this Court is of the view that the ends of justice would be met, in case, the petitioner is directed to appear before the trial Court in a stipulated time and furnish fresh bail/surety bonds. Further the petitioner can be also saddled with some costs for his default.

In view the peculiar facts and circumstances of the case and the judgment passed by a Coordinate Bench of this Court, as referred to above, the present petition is allowed and the impugned order dated 14.6.2022 is set aside, subject to costs of Rs.5000/- to be deposited by the petitioner with the Poor Patient's Welfare Funds, PGIMER, Chandigarh. In case the petitioner appears before the trial Court within a period of 15 days from today, as undertaken to, above the trial Court is directed to release him on bail subject to his furnishing fresh bail /surety bonds to the

satisfaction of the concerned trial Court. The same would also be subject to the petitioner giving an undertaking to the trial Court that he would appear on each and every date of hearing unless his personal appearance is specifically exempted by the Court.

It is, however, made clear that if the aforesaid conditions are not complied with, by the petitioner, within the stipulated period, in that eventuality, the present petition shall be deemed to have been dismissed, with no further reference to this Court.

25.8.2022
gsv

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No