

CRM-M-45782-2022

:1:

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

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CRM-M-45782-2022 (O&M)

Date of Decision: September 30, 2022

NAVJOT SINGH

...Petitioner

Versus

STATE OF PUNJAB

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Yashpal Thakur, Advocate for the petitioner.

AMAN CHAUDHARY, J.

The present petition under Section 482 of the Cr.P.C. has been for quashing the impugned order dated 13.07.2022 (Annexure P-1), passed by Additional Sessions Judge, SAS Nagar, whereby the bail order of the petitioner was cancelled and bail bonds and surety bonds were forfeited to the State.

Learned counsel submits that in the FIR registered against him on 11.12.2019, he had been granted regular bail vide order dated 08.05.2020, Annexure P-2. It is his submission that the petitioner has thereafter been appearing before the Court. However, on 13.07.2022, the petitioner was unable to appear on account of being admitted in the Rehabilitation Centre at Fatehgarh Sahib. Reliance in this regard is placed on Annexure P-7, being a certificate issued by Khalsa Welfare Foundation, Fatehgarh Sahib confirming the fact that petitioner was admitted in the centre from 31.01.2022 till 13.09.2022. On account of his absence before the Court, vide order dated 13.07.2022 passed by the trial Court, the bail was cancelled

and bail bonds and surety bonds were forfeited to the State. Non-bailable warrants have been issued for 18.11.2022

He, however, submits that the petitioner is ready and willing to join the proceedings, and prays that one opportunity may be granted for the said purpose which may even be, subject to payment of costs. In support of his arguments learned counsel for the petitioner relies upon judgment of this Court in CRM-M-38277-2022 dated 26.08.2022, in the case of “Surjit Singh Vs. State of Punjab”, CRM-M-39000-2022, titled as Raghav vs. State of Punjab, decided on 9.9.2022 and Major Singh vs. State of Punjab, CRM-M-3649-2022, decided on 15.9.2022.

Notice of motion.

Mr.Manipal Singh Atwal, DAG, Punjab, accepts notice on behalf of respondent-State.

Per contra, learned State counsel opposes the same and submits the impugned order has been rightly passed by the learned trial Court. Learned State counsel submits that there is another FIR wherein the petitioner has been named.

Heard the arguments advanced by learned counsel for the parties.

As is apparent from the impugned order, the non-bailable warrants had been issued against the petitioner on 13.07.2022 and the present petition was filed on 12.09.2022, reflects the *bonafide* of the petitioner to join the proceedings at the earliest. The explanation offered by the petitioner for his non-appearance in this case before the trial Court seems to be justified. Moreover, the very purpose of issuance of non-bailable

warrants, is to secure the presence of the accused to face trial and establish the rule of law so as to ensure finalization of the proceedings.

This Court in **Major Singh vs. State of Punjab**, CRM-M-3649-2022, decided on 15.9.2022, in somewhat similar circumstances, while setting aside the order, observed thus:

Conclusion:-

This Court while noticing the *bonafide* of the petitioner; explanation given for his absence being justified; the object to be achieved being to secure the presence of the petitioner in the proceedings; expedition of trial and its early culmination being in the interest of the parties; in order to meet the ends of justice; judgments referred to above being applicable to the instant case, is allowing this petition, though deeming it appropriate to impose certain conditions for meticulous adherence at the hands of the petitioner.

In view of the forgoing conclusion and in the peculiarity of the facts and circumstances of the case, as also held by the Coordinate Bench of this Court in the cases of **Naveen Rao** (supra) and **Dimple Kumar** (supra) and in the interest of justice, the impugned order dated 19.7.2022, Annexure P5, is hereby set aside.”

In view of the facts and circumstances of this case and the judgments referred to above, the impugned order dated 13.07.2022, Annexure P-1, is set aside. The petitioner is directed to surrender before the trial Court on or before 28.10.2022 and furnish his fresh bail/ surety bonds. On so doing, the trial Court shall release him on bail by imposing heavy surety to its satisfaction. He is also directed to furnish an undertaking by way of his affidavit that he will appear on each and every date of hearing before the trial Court, unless specifically exempted by the Court. He shall also surrender his passport and will not leave the country without prior permission of the Court or the trial Court may impose any other condition that it may deem appropriate in the facts and circumstances of the present case.

Before parting with this order, it is made abundantly clear that

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in case the petitioner does not adhere to the aforesaid, the present petition shall be deemed to have been dismissed without any reference to this Court.

September 30, 2022 **(AMAN CHAUDHARY)**
rimpal **JUDGE**

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