

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-43475-2022

Date of decision : 21.09.2022

Yadwinder Singh @ Lucky

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Janak Singh Bhinder, Advocate
for the petitioner.

Mr.Tarun Aggarwal, Sr.DAG, Punjab.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 482 Cr.P.C. for quashing of impugned order dated 07.03.2022 passed by the Additional Sessions judge, Sangrur, in FIR no.190 dated 04.12.2017 registered under Sections 307, 336, 323, 334, 201, 120-B IPC and Sections 25, 30 of the Arms Act, 1959 at Police Station Lehra, District Sangrur.

Learned counsel for the petitioner has submitted that the petitioner was granted regular bail vide order dated 06.09.2018 by a coordinate Bench of this Court and thereafter the challan was presented on 12.04.2018. It is submitted that the petitioner was regularly appearing before the trial Court and on account of Covid-19, the Courts were functioning in a restricted manner and on 24.01.2022 the case was adjourned to 07.02.2022 and thereafter, the case was adjourned to 07.03.2022. It is further submitted that the counsel for the petitioner had

and on the said date on account of his non-appearance, the bail of the petitioner was cancelled and bail bonds/ surety bonds were forfeited to the State and arrest warrants were issued for 21.03.2022. Learned counsel for the petitioner has submitted that the case is now fixed for 11.10.2022 and the petitioner undertakes to appear before the trial Court on or before the next date of hearing and is also ready to give an undertaking that he would appear on each and every date of hearing except the date on which his personal appearance is specifically exempted.

Learned State counsel, on the other hand, has opposed the present petition and has submitted that the petitioner was aware about the said date and yet did not appear and thus, the impugned order was rightly passed on 07.03.2022. It is submitted that even subsequent to 07.03.2022, the case has been taken up on 8 dates and yet the petitioner has not appeared on the said dates.

Learned counsel for the petitioner, in rebuttal, has submitted that the petitioner is ready to compensate the complainant in the present case for the delay caused by paying an amount Rs.15,000/- to the complainant.

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

The petitioner was granted regular bail vide order dated 06.09.2018 and the challan was presented on 12.04.2018 and thereafter the case was adjourned on 24.01.2022 to 07.02.2022 and on 07.02.2022 to 07.03.2022 and on 07.03.2022 the petitioner did not appear before the trial Court on account of which the impugned order was passed and it is the case of the petitioner that he had noted the wrong date and thus, had not

appeared on the said date. The petitioner has undertaken to appear on or before the next date of hearing i.e., 11.10.2022 before the trial Court and has also stated that he shall give an undertaking that he would appear before the trial Court on each and every date of hearing, except the date on which his personal appearance is specifically exempted. It is also apparent that even after the order dated 07.03.2022 was passed, the petitioner had not appeared even on the subsequent dates and it has been submitted by learned counsel for the petitioner that the petitioner is ready to compensate the complainant with respect to the same.

Keeping in view the above said facts and circumstances, the present petition is allowed and the impugned order dated 07.03.2022, to the extent that the bail of the petitioner Yadwinder Singh has been cancelled and his bail bonds/surety bonds have been cancelled and forfeited to the State and warrants of arrest have been issued against the present petitioner and notice has been issued to his surety, is set aside, subject to the petitioner appearing before the trial Court on or before the next date of hearing i.e. 11.10.2022 and on his appearance, the trial Court is directed to release the petitioner on bail on his furnishing bail bonds/surety bonds to the satisfaction of the concerned trial Court. The same would also be subject to the petitioner depositing an amount of Rs.15,000/- within the stipulated time with the trial Court, which would be released/paid to the complainant by the trial Court and would also be subject to the petitioner giving an undertaking to the trial Court that he would appear before the trial Court on each and every date, unless his personal appearance is specifically exempted by the Court.

It is, however, clarified that in case, the above said conditions

are not complied with, within the stipulated period, then the present petition would be deemed to have been dismissed.

September 21, 2022

Davinder Kumar

(VIKAS BAHL)
JUDGE

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No