

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-43089-2022

Date of decision : 19.09.2022

Lalu @ Kishan

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Damanjit Singh Sandhu, Advocate
for the petitioner.

Mr.Iqbal S.Mann, DAG, Punjab.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 482 Cr.P.C. for quashing of order dated 10.08.2022 passed by the Additional Sessions Judge, Ludhiana whereby the bail bonds and surety bonds of the petitioner had been cancelled and warrants of arrest have been issued against the petitioner in FIR no.67 dated 19.04.2017 registered under Section 307 IPC at Police Station Division no.7, District Ludhiana.

Learned counsel for the petitioner has been submitted that the petitioner was granted regular bail vide order dated 15.03.2022 by the Additional Sessions Judge, Ludhiana and thereafter had appeared on 04.07.2022 and on the said date, the case was adjourned to 10.08.2022 but the petitioner had noted a wrong date and thus, he could not appear on 10.08.2022 on account of which, the impugned order has been passed. It is submitted that on 10.08.2022, no witness was present and thus, no delay has

been caused on account of non appearance of the petitioner. A copy of the orders dated 15.03.2022 and 04.07.2022 have been handed over by learned counsel for the petitioner which has been marked as 'Mark A' and 'Mark B' respectively. It is stated that the petitioner is ready to pay an amount of Rs.6000/- as compensation to the alleged injured Bobby son of Jagdeep Singh and Sumeet Kumar son of Jaggu.

Learned State counsel, on the other hand, has opposed the present petition and has submitted that the petitioner was well aware of the date of hearing i.e., 10.08.2022, thus, his non appearance was intentional and the impugned order has been rightly passed.

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

The petitioner was granted the concession of regular bail vide order dated 15.03.2022 by the Additional Sessions Judge, Ludhiana and on 04.07.2022, the petitioner had appeared but there was no PW present on the said date and thus, PWs were summoned and the case was adjourned to 10.08.2022. The order dated 04.07.2022 is reproduced hereinbelow:-

*“Present: Ms.Ramandeep Kaur Gill, Addl.PP for the State.
Accused on bail with counsel.*

No PW is present. Let PWs be summoned for 10.08.2022.

Date of Order: 04.07.2022.

(Bishan Saroop)
Additional Sessions Judge, Ludhiana
(UID No.PB0449)”

It is the case of the petitioner that he had noted a wrong date and thus, could not appear on 10.08.2022 on which date, the impugned order was passed. A perusal of the order dated 10.08.2022 would show that no witness was present on the said date.

Keeping in view the above said facts and circumstances, the

present petition is allowed and the impugned order dated 10.08.2022 is set aside subject to the petitioner appearing before the trial Court within a period of 15 days from today and also subject to the petitioner depositing an amount of Rs.6000/- with the trial Court within the aforesaid period and also subject to the petitioner giving an undertaking before the trial Court to appear on each and every date except the date on which his personal appearance is specifically exempted.

In case the petitioner complies with all the above conditions and appears before the trial Court within a period of 15 days from today, the petitioner would be released on bail on his furnishing bail bonds and surety bonds subject to the satisfaction of the concerned trial Court /Duty Magistrate. The amount of Rs.6000/- deposited by the petitioner would be released by the trial Court to the two alleged injured persons, i.e. Bobby son of Jagdeep Singh and Sumeet Kumar son of Jaggu in equal proportions (Rs.3000/- each).

It is made clear that in case the petitioner does not comply with the aforesaid conditions, then the present petition would be deemed to have been dismissed.

(VIKAS BAHL)
JUDGE

September 19, 2022

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No