

121 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-49034-2022

Date of Decision: 16.12.2022

AJAY KUMAR ALIAS GHODA

..... Petitioner

Versus

STATE OF PUNJAB

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Krishan Kanha, Advocate for
Mr. Narnder Lucky, Advocate
for the petitioner.

JAGMOHAN BANSAL, J. (Oral)

Through instant petition under Section 482 of Code of Criminal Procedure, 1973, the petitioner is seeking quashing of order dated 01.09.2022 (Annexure P-4) passed by Additional Sessions Judge, Jalandhar, whereby bail bonds furnished by the petitioner have been cancelled and non-bailable warrants of arrest are issued against the petitioner in FIR No.78 dated 29.08.2021 under Sections 379, 379-B, 411 and 34 of IPC, registered at Police Station Lambra, District Jalandhar.

Learned counsel for the petitioner *inter alia* contends that petitioner was arrested on 29.08.2021 and thereafter released on regular bail vide order dated 22.11.2021 passed by learned Sessions Judge, Jalandhar. The petitioner continuously appeared before the Trial Court, however, on account of raid conducted by the police two days prior to date fixed before the Trial Court i.e. 01.09.2022, the petitioner on account of apprehension of arrest or implication in any other case failed to appear before Trial Court on 01.09.2022. He had informed this fact to his counsel, however, no application for exemption was filed.

Resultantly, Trial Court vide impugned order dated 01.09.2022 has cancelled bail bonds of the petitioner and issued non-bailable warrants of arrest for 20.10.2022 and till he has not been declared proclaimed Offender.

Notice of motion.

On the asking of Court, Mr. Amish Sharma, AAG, Punjab accepts notice on behalf of the State. He does not dispute the above stated factual position. He has no objection, if petition is disposed of subject to costs.

Intent of arrest and reason of denial of bail is to secure the appearance of the accused at the time of trial. A person who seeks to be liberated must take judgment and serve sentence in the event of his conviction. The nature of the crime charged, severity of punishment prescribed, prime facie available evidences, history & background of the accused may indicate that any amount of bond and surety is not going to secure presence of accused, at the time of conviction.

Keeping in mind:

- i) The object of cancellation of bond or declaration of anyone as proclaimed offender/person is to secure his presence. The petitioner has come forward to face trial and undertakes to appear before trial court on each and every date, thus ,his presence would meet ends of justice;
- ii) The Petitioner for wasting valuable time and energy of courts as well prosecution is willing to pay costs of Rs. 10,000/-
- iii) The Petitioner is ready to furnish bond/surety to the

satisfaction of the trial court;

- iv) The petitioner is resident of District Jalandhar and trial is pending at Jalandhar, thus jurisdictional court and police authorities have direct access over the activities of the petitioner.
- v) The petitioner was initially granted regular bail by learned Sessinos Judge, Jalandhar on 22.11.2021 and petitioner thereafter on many dates appeared before trial court;
- vi) Trial is pending since 2021 and petitioner is ready to face trial, thus, no prejudice is going to cause to prosecution or complainant;

this court is of the considered opinion that present petition needs to be allowed, and accordingly, petition is allowed. The petitioner is directed to appear before learned Trial Court on or before 04.01.2023 and on his doing so, the Trial Court shall admit him to bail on furnishing fresh bail bonds alongwith costs of Rs. 10,000/- to be paid to the PGI Poor Patient Welfare Funds, Chandigarh.

Disposed of in above terms.

(JAGMOHAN BANSAL)
JUDGE

16.12.2022
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>