

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

113

CRM-M-54388-2021

Date of decision : 05.01.2022

JASKARAN SINGH ALIAS NIKKA AND ANR.

.....Petitioners

Versus

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present : Mr. Charnjit Singh Bahia, Advocate
for the petitioners.

Mr. Tanvir Joshi, AAG, Punjab

SANT PARKASH, J. (ORAL)

The petitioners have filed the present petition for quashing of impugned order dated 16.11.2021 (Annexure P-25) passed by learned Additional Sessions Judge, Bathinda, in Criminal Appeal No. CRA-325 of 2018 titled as “Jaskaran Singh etc. Vs. State of Punjab” arising out of FIR No.68 dated 26.06.2014 registered under Sections 325, 323 and 34 of the Indian Penal Code, 1860 at Police Station Sangat, Bathinda.

In the present case, the petitioners were convicted and sentenced inter-alia to undergo simple imprisonment for one year vide judgment and order of sentence dated 23.05.2018 passed by learned Judicial Magistrate First Class, Bathinda in the aforesaid FIR.

Aggrieved against the aforesaid judgment and order of

sentence, the petitioners filed Criminal Appeal No. 325/2018 dated 13.06.2018 in the Court of learned Sessions Judge, Bathinda and the same is pending adjudication. The sentence of the petitioners was earlier suspended and they were on bail. However, on 16.11.2021, the petitioners nor their counsel appeared and vide order dated 16.11.2021, passed by learned Additional Sessions Judge, Bathinda, the bail bonds and surety bonds of the petitioners were cancelled and their presence was ordered to be secured through nonailable warrants of arrest through SHO concerned.

The petitioners have pleaded in the petition that they were appearing on each and every date of hearing but on 16.11.2021, they could not appear as their counsel and his clerk have noted incorrect date. Their non appearance was neither intentional nor willful but only due to the circumstances as mentioned above.

Learned Counsel for the petitioners has submitted that the petitioners are ready and willing to surrender before the concerned Court and join the proceedings and the impugned order dated 16.11.2021 (Annexure P-25) be set aside.

Notice of motion.

Mr. Tanvir Joshi, AAG, Punjab has accepted notice on behalf of respondent-State of Punjab.

Learned State Counsel has no objection if the petitioners are directed to surrender before the concerned Court and join the proceedings.

In view of the facts and circumstances of the case, the

petitioners are directed to surrender before the concerned Court within three weeks from today and they would file an appropriate application for grant of bail, which shall be decided by the concerned Court in accordance with law.

With the aforesaid directions, the present petition stands disposed of.

05.01.2022
kavneet singh

(SANT PARKASH)
JUDGE

Whether speaking/reasoned

Whether reportable

:

:

Yes/No

Yes/No