

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-52927-2022
Date of decision : 16.11.2022

Baljit Singh @ Sahni

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr. Saksham Malhotra, Advocate for
Mr.Sahil Puri, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, Sr.DAG, Punjab.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 482 Cr.P.C. for quashing of the order dated 21.07.2022 whereby the bail granted to the petitioner vide order dated 20.10.2015 was cancelled and non bailable warrants were issued against the petitioner in FIR no.58 dated 13.07.2015 registered under Sections 399, 402 IPC at Police Station Begowal, District Kapurthala.

Learned counsel for the petitioner has submitted that the petitioner was granted bail by the Additional Sessions Judge, Kapurthala on 20.10.2015 and since then he has been regularly appearing before the trial Court but on account of noting a wrong date, the petitioner could neither appear on 21.07.2022 nor on the subsequent dates and on account of the same, the impugned order was passed. It is submitted that on 21.07.2022, no witness of prosecution was present and thus, no delay has been caused to the trial.

Learned State counsel, on the other hand, has opposed the

present petition and has submitted that the petitioner was well aware of the said date as he was regularly appearing before the trial Court and his absence was intentional.

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 20.10.2015 by the Additional Sessions Judge, Kapurthala and he was subsequently appearing before the trial Court and it is the case of the petitioner that on account of noting a wrong date, he could not appear on 21.07.2022. A perusal of the order dated 21.07.2022 shows that no witness of the prosecution was present on the said date.

Keeping in view the above said facts and circumstances, the present petition is allowed and impugned order dated 21.07.2022 is set aside subject to the petitioner appearing before the trial Court on or before 29.11.2022 the date fixed before the trial Court 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.7000/- within a period of 10 days in the Punjab and Haryana High Court Employees' Welfare Association Fund 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.

(VIKAS BAHL)
JUDGE

November 16, 2022

Davinder Kumar