

CRM-M No.53815 of 2022 (O&M)

Date of decision : 21.11.2022

Nishan Singh

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Ravinder Pankaj, Advocate for the petitioner.

PANKAJ JAIN, J. (ORAL)

By way of present petition filed under Section 482 Cr.P.C. the petitioner seeks quashing of the order dated 08.09.2022 (Annexure P-2) passed by JMIC Gurdaspur passed in FIR No.0068 dated 08.07.2020 registered for offence punishable under Section 61/1/14 of Punjab Excise Act, 1914 at Police Station Purana Shalla, District Gurdaspur whereby the bail order and bail bond of the petitioner has been cancelled and forfeited.

From the record it is discernible that the petitioner thereafter approached Sessions Court, Gurdaspur seeking pre-arrest bail wherein the following order was passed :-

“1. Heard. The accused-applicant is facing trial under Section 61 of the Punjab Excise Act before the Court of learned JMIC, Gurdaspur. He absented from the proceedings on 13.05.2022 but the Court did not forfeit his bail bonds or cancelled his bail order. Rather, the Court adjourned the matter to 30.07.2022 to await appearance of the accused. Even on 30.07.2022, accused did not appear and, therefore, Court adjourned the matter to 08.09.2022 for awaiting his presence. When he did not appear on 08.09.2022, only then Court made up his mind that accused has intentionally absented from the proceedings and, therefore, his bail bonds were forfeited to the State and his bail order was cancelled. Now, accused has approached this Court for grant of anticipatory bail.

- 2. When the accused has intentionally absented from the proceedings before the learned trial Court, he is not entitled to anticipatory bail. Rather, he needs to surrender before the learned trial Court and make an application for bail explaining reasons for his absence to the Court concerned. In case the accused-applicant surrenders before the learned trial Court within 10 days, then the learned trial Court shall dispose off his bail application within three days. With these observations, the instant application is declined.*
- 3. Trial Court record alongwith copy of this order be returned. The instant file be consigned to the record room."*

Counsel for the petitioner submits that the petitioner was not in the knowledge of such order passed at Annexure P-3 and thus could not comply with the same.

Having heard learned counsel for the petitioner, in the considered opinion of this Court, present petition cannot be entertained in view of indulgence granted by the lower Court. However, the petitioner shall be at liberty to move an appropriate application before the Court of Sessions Judge, Gurdaspur seeking extension of time to comply with the order dated 29.10.2022.

Petition stands disposed off accordingly.

(PANKAJ JAIN)
JUDGE

21.11.2022
Pooja sharma-I

Whether speaking/reasoned	Yes
Whether Reportable :	No