

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-55176-2022
Date of decision : 29.11.2022

Jagdeep Singh

... Petitioner

Versus

The State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Harpreet S. Rakhra, Advocate
for the petitioner.

Mr.Tarun Aggarwal, Sr.DAG, Punjab.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 482 Cr.P.c. for quashing of impugned order dated 17.12.2021 passed by the Additional Sessions Judge, Ludhiana, vide which the bail order of the petitioner has been cancelled and his bail bonds and surety bonds have been forfeited to the State and non-bailable warrants of the petitioner were issued in FIR no.226 dated 28.06.2018 registered under Section 379-B IPC at Police Station Sahnewal, District Ludhiana.

Learned counsel for the petitioner has submitted that the petitioner was granted regular bail and was regularly appearing before the trial Court and thereafter due to Covid 19 Pandemic, the petitioner was informed that whenever the presence of the petitioner would be required, notice would be issued to him for his appearance and since no notice was issued to the petitioner for appearing on 17.12.2021, thus, the impugned

order was passed. It is submitted that on 17.12.2021 no witness of the prosecution had appeared and case is now fixed for 19.12.2022 and the petitioner undertakes to appear before the trial Court on each and every dates except the date on which the personal appearance of the petitioner is specifically exempted. It is further submitted that the petitioner is also ready to pay Rs.15,000/- to the complainant Mohit Dubey without admitting his liability.

Notice of motion.

Mr.Tarun Aggarwal, Sr.DAG, Punjab, appears and accepts notice on behalf of the respondent-State. He has opposed the present petition and has submitted that the petitioner was well aware of the said date and the impugned order has been rightly passed by the trial Court.

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

It is the case of the petitioner that the petitioner has been granted regular bail and thereafter he was regularly appearing until Covid-19 pandemic restricted the presence of all the persons in various Courts. It is submitted that it was on account of the said fact that the petitioner could not appear on 17.12.2021 before the trial Court and the impugned order was passed. A perusal of the order dated 17.12.2021 would show that no witness of the prosecution was present on the said date. The next date in the present case before the trial Court is 19.12.2022. The petitioner has undertaken to appear before the trial Court on 19.12.2022 and also on subsequent dates except those dates where his personal appearance is specifically exempted.

Keeping in view the above said facts and circumstances, the present petition is allowed and order dated 17.12.2021 to the extent that the

bail order of the present petitioner Jagdeep Singh has been cancelled and the bail bonds and surety bonds of the present petitioner Jagdeep Singh have been cancelled and non-bailable warrants has been issued against the present petitioner Jagdeep Singh, and notice to his surety has been issued, is set aside subject to the petitioner appearing before the trial Court/Duty Magistrate on 19.12.2022 and also subject to the petitioner depositing an amount of Rs.15000/- within a period of two weeks with the trial Court and the trial Court is directed to release the said amount to complainant – Mohit Dubey and also subject to the petitioner giving an undertaking before the Court that he would appear on each and every date of hearing unless his personal presence is specifically exempted.

It is made clear that in case the petitioner does not comply the above said conditions, the present petition shall be deemed to have been dismissed.

It is clarified that the impugned order is set aside qua the present petitioner Jagdeep Singh and not qua against co-accused Gurcharan Singh.

(VIKAS BAHL)
JUDGE

November 29, 2022

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No