

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-55734-2022
Date of decision : 02.12.2022

Amarjit Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Ms.Himani, Advocate for Mr. Chandan Singh Rana, Advocate
for the petitioner.

Mr.Tarun Aggarwal, Sr.DAG, Punjab.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 482 Cr.P.C. for quashing of impugned order dated 02.05.2022 passed by the Additional Sessions Judge, Ludhiana, whereby the bail of the petitioner was cancelled and bail bonds and surety bonds were forfeited to the State and the petitioner has been summoned through non bailable warrants in FIR no.76 dated 09.06.2020 registered under Sections 379 IPC and Section 21 of the Mines and Minerals Regulation Development Act, 1957 at Police Station Sidhwan Bet, District Ludhiana.

Learned counsel for the petitioner has submitted that the petitioner was granted bail vide order dated 24.06.2020 by the Additional Sessions Judge, Ludhiana and thereafter, during the course of proceedings, the bail order of the petitioner was cancelled and the impugned order was passed on 02.05.2022 and now the case is fixed before the trial Court for 17.12.2022 and the petitioner did not appear before the trial Court as he was under the impression that on account of Covid 19, the matter has been

adjourned and specific notice would be issued to him to appear in the proceedings. It is further submitted that a perusal of the impugned order would show that on the said dates when the petitioner has not appeared, no witness of the prosecution was present. It is stated that the petitioner is ready to deposit Rs.20,000/- in the High Court Lawyers' Welfare Fund within a period of 15 days and is also ready to appear before the trial Court.

Learned State counsel, on the other hand, has opposed the present petition and has submitted that the petitioner was aware of the said date and his absence was intentional.

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

Keeping in view the above said facts and circumstances, the present petition is allowed and the order dated 02.05.2022 is set aside subject to the petitioner appearing before the Additional Sessions Judge, Ludhiana on or before 17.12.2022 and also subject to the petitioner giving an undertaking before the trial Court that he would appear on each and every date of hearing till his presence is specifically exempted and also subject to the petitioner depositing an amount of Rs.20,000/- in the High Court Lawyers' Welfare Fund within a period of 15 days from today.

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

(VIKAS BAHL)
JUDGE

December 02, 2022

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No