

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.111

Case No. : CRM-M-56720-2022

Date of Decision : December 06, 2022

Randhir Singh		Petitioner
vs.		
State of Punjab		Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

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Present : Mr. Shakti Mehta, Advocate
for the petitioner.

Ms. Himani Arora, AAG, Punjab.

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GURBIR SINGH, J. :

This is a petition under Section 482 Cr.P.C. filed by the petitioner to quash the impugned order dated 06.05.2022 (Annexure P-11) whereby bail of the petitioner was cancelled and non-bailable warrant against the petitioner was issued by learned Sub-Divisional Judicial Magistrate, Samana, in case bearing **CIS No.CHA/103/2020** titled as **State vs. Randhir Singh @ Dhira etc.**, pending for 24.01.2023, arising out of FIR No.0122 dated 06.07.2019, registered under Section 61 of the Punjab Excise Act, 1914, at Police Station Samana, District Patiala (Annexure P-1)

Notice of motion.

Ms. Himani Arora, AAG, Punjab, who is present in the Court, accepts notice on behalf of respondent – State.

A perusal of the file reveals that the petitioner was earlier granted bail but later, on 06.05.2022, as he absented himself from the Court without any intimation, fresh non-bailable warrant against the petitioner was issued.

Learned counsel for the petitioner states that no notice was issued to the petitioner before issuing non-bailable warrant.

Learned counsel for the petitioner further submits that the petitioner is ready to appear before the Court on each and every date.

Heard.

Keeping in view the fact that the petitioner was released on bail on furnishing bail/surety bonds, with the condition that he would appear in the Court on each and every date of hearing and in case, he failed to appear, then the bonds would stand forfeited automatically. Since he failed to appear before the Court, the said Court was left with no option but to issue non-bailable warrant.

In these circumstances, no ground is made out to interfere in the impugned order dated 06.05.2022 (Annexure P-11) passed by learned Sub-Divisional Judicial Magistrate, Samana.

Dismissed.

However, in case the petitioner surrenders in the Trial Court/Duty Magistrate within ten days and move an application for bail explaining therein reasons for his absence, then his bail application would be decided the same day by the Trial Court, taking into consideration the averments raised by the petitioner before the Court.

December 06, 2022

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**(GURBIR SINGH)
JUDGE**

<i>Whether speaking/reasoned ?</i>	<i>Yes/No.</i>
<i>Whether reportable ?</i>	<i>Yes/No.</i>