

113 THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-57465-2022

Date of Decision: 09.12.2022

Roshan Singh

...Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Ms. Khushika Setia, Advocate
for Mr. Simranjeet Singh Sarwara, Advocate
for the petitioner.

DEEPAK MANCHANDA J.

The petitioner has preferred this petition under Section 482 of the Code of Criminal Procedure for setting aside/quashing of the order dated 31.03.2021 (Annexure P-5) passed by the Additional District & Sessions Judge, Patiala vide which bail order of the petitioner was cancelled and his bail bonds were forfeited to the State in case bearing FIR No. 257 dated 26.09.2019 under Section 379-B of Indian Penal Code registered at Police Station City Rajpura, District Patiala.

Learned counsel for the petitioner contends petitioner was granted the concession of regular bail in the aforesaid FIR vide order dated 05.11.2019. On 31.03.2021, petitioner could not appear before the trial Court due to wrong noting down the date of hearing as 31.05.2021 instead of 31.03.2021. Therefore, his bail was cancelled vide order dated 31.03.2021 by the learned trial Court.

He further submits that the petitioner is ready and willing to join the trial proceedings.

Notice of motion.

At this stage, Mr. G.S. Sidhu, Assistant AG Punjab, who is present in the Court accepts notice on the asking of the Court and submits that the order of cancellation of bail of the petitioner has been issued only on the sole ground of absence of the petitioner.

The objective of Section 82 of the Code is to secure the presence of the accused. Once the accused is willing to appear and join trial proceedings, the objective has been achieved.

Consequently, the instant petition stands allowed and impugned order dated 31.03.2021(Annexure P-5) is set aside. However, arrest of the petitioner is stayed for a period of 1 week only, enabling him to put in appearance before the trial Court to face trial. He is directed to surrender before the trial Court on or before 16.12.2022 and on him doing so, he would be admitted to bail subject to him furnishing personal bonds and surety bonds to the satisfaction of the trial Court.

It is made clear that if the petitioner does not present himself before the trial Court within the stipulated time, interim protection granted to him will be deemed to have been automatically vacated.

(DEEPAK MANCHANDA)
JUDGE

09.12.2022

Ajay Goswami

Whether speaking/reasoned
Whether reportable

Yes
Yes/No