

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CRM-M-58043-2022

Date of Decision: 13.12.2022

Sukhjinder Singh alias Happy

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

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

Mr. Amish Sharma, AAG, Punjab

JAGMOHAN BANSAL, J. (Oral)

The petitioner through instant petition under Section 482 Cr.P.C. is seeking quashing of order dated 14.07.2022 (Annexure P-3) whereby Additional Sessions Judge, Ludhiana has cancelled bail bonds and ordered the petitioner to be summoned through warrant of arrest in FIR No.243 dated 04.08.2018 under Section 21 of Mines and Minerals (Development and Regulation) Act, 1957 and under Section 379 IPC registered at Police Station Sidhwan Bet, District Ludhiana, Ludhiana Rural.

Learned counsel for the petitioner, *inter alia*, submits that the petitioner was granted concession of anticipatory bail vide order dated 20.08.2018 (Annexure P-1) passed by the Additional Sessions Judge, Ludhiana. The petitioner was regularly appearing before trial Court, however, due to wrong noting of date, failed to appear on 14.07.2022 and on the same date trial Court cancelled bail bonds of the petitioner. The absence of the petitioner was neither intentional nor willful. The petitioner has not been declared proclaimed offender. The petitioner is ready to face the trial and undertakes to appear on each and every date before the trial Court. The petitioner is ready to pay

costs of Rs.10,000/-. No prejudice is going to be caused to the prosecution if an opportunity is granted to the petitioner.

Notice of motion.

Mr. Amish Sharma, AAG, Punjab accepts notice on behalf of respondent-State and on instructions from ASI Baljinder Kumar, submits that petitioner is not involved in any other criminal case. He further submits that State has no objection if the present petition is disposed of, subject to costs.

Intent of arrest and reason of denial of bail is to secure the appearance of the accused at the time of trial. A person who seeks to be liberated must take judgment and serve sentence in the event of his conviction. The nature of the crime charged, severity of punishment prescribed, prime facie available evidences, history & background of the accused may indicate that any amount of bond and surety is not going to secure presence of accused, at the time of conviction.

Keeping in mind:

- (i) The object of cancellation of bond or declaration of anyone as proclaimed offender/person is to secure his presence. The petitioner has come forward to face trial and undertakes to appear before trial court on each and every date, thus, his presence would meet ends of justice;
- (ii) The petitioner was granted concession of anticipatory bail vide order dated 20.08.2018 (Annexure P-1)

passed by the Additional Sessions Judge, Ludhiana;

- (iii) The petitioner for wasting valuable time and energy of courts as well prosecution is willing to pay costs of Rs.10,000/-;
- (iv) The petitioner is ready to furnish bond/surety to the satisfaction of the trial court;
- (v) The petitioner is not involved in any other criminal case;
- (vi) The petitioner is resident of Ludhiana and trial is pending at Ludhiana, thus jurisdictional court and police authorities have direct access over the activities of the petitioner;
- (vii) Trial is pending since 2018 and petitioner is ready to face trial, thus, no prejudice is going to be caused to prosecution or complainant;

this court is of the considered opinion that present petition needs to be allowed, and accordingly, petition is allowed. The petitioner is directed to appear before trial Court on or before 10.01.2023 and on his doing so, the trial court shall release him on bail on his furnishing bail bonds. The petitioner, as agreed, shall pay costs of Rs.10,000/- to the District Legal Services Authority, Ludhiana.

Disposed of in above terms.

(JAGMOHAN BANSAL)
JUDGE

13.12.2022

Mohit Kumar

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*