

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

132

CRM-M-57921-2022
Decided on :22.12.2022

Gurjeet Singh

. . . Petitioner

Versus

State of Punjab

. . . Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Arshdeep Singh Brar, Advocate
for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

VIKAS BAHL, J. (Oral)

This is the first petition under Section 482 Cr.P.C. for setting aside the order dated 21.04.2022 (Annexre P-2) whereby the bail bonds and surety bonds of the petitioner have been cancelled and forfeited to the State by the appellate Court in case FIR No. 184 dated 05.12.2012 under Section 25 of the Arms Act, 1959 registered at Police Station City South, District Moga.

Learned counsel for the petitioner has submitted that the petitioner was convicted on 09.11.2017 and had filed an appeal against the said conviction and in the said appeal, the petitioner was regularly appearing but on 21.04.2022, the petitioner could not appear for the reason that he had gone as a cleaner alongwith a truck driver towards northeastern states to earn his livelihood. It is further submitted that the petitioner was under the impression that in appeal, the petitioner-

appellant is not required to appear before the Court if the counsel was appearing. It is further submitted that the case is now fixed for 07.01.2023 and he undertakes to appear before the appellate Court or before the said date of hearing and he is also ready to give an undertaking that he would appear on each and every date except the date on which his personal appearance is specifically exempted. It is further submitted that the petitioner is also ready to pay an amount of Rs.7,000/- to the High Court Lawyers' Welfare Fund on or before the said date.

Learned State counsel has opposed the present petition and has submitted that the conviction in the present case is of the year 2017 and on account of non appearance of the petitioner, delay has been caused in the final adjudication of the appeal.

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

Keeping in view the abovesaid facts and circumstances, moreso, the fact that the petitioner is now ready to appear before the Additional Sessions Judge, Moga on or before 07.01.2023 which is the next date in the appeal pending before the Additional Sessions Judge, Moga and is also ready to file an undertaking that he would appear before the Additional Sessions Judge, Moga on each and every date except the date on which his personal appearance is specifically exempted, the present petition is allowed and the order dated 21.04.2022 is set aside subject to the condition that the petitioner would

appear before the Additional Sessions Judge, Moga on or before 07.01.2023 and on his appearance, he would be released on bail subject to the satisfaction of the appellate Court. The same would also be subject to the petitioner giving an undertaking before the appellate Court that he would appear on each and every date of hearing till his personal appearance is specifically exempted by the Court and also subject to the petitioner depositing an amount of Rs.7,000/- within a period of two weeks from today in the High Court Lawyers' Welfare Fund.

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.

22.12.2022
Mehak

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No