

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

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CRM-M-58330-2022

Date of Decision: 14.12.2022

Kulwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Amit Sharma, 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 orders dated 21.09.2022 (Annexure P-3) and 21.03.2022 (Annexure P-2), whereby Additional Sessions Judge, Ludhiana has issued non-bailable warrants against the petitioner in FIR No.23 dated 25.01.2020 under Section 379B of the Indian Penal Code, 1860, registered at Police Station Division No.6, District Ludhiana.

Learned counsel for the petitioner, *inter alia*, submits that petitioner was granted regular bail by Additional Sessions Judge, Ludhiana, vide order dated 13.03.2020. The petitioner regularly appeared before trial Court, however, failed to appear before trial Court on 21.03.2022 and trial Court cancelled bail bonds of the petitioner. Non-bailable warrants were issued on 07.12.2022. The petitioner has not been declared proclaimed person. The petitioner is not involved in any other criminal case. The petitioner failed to appear on account of noting of wrong date. The absence of the petitioner was neither intentional nor willful. The petitioner is ready to face the trial and undertakes to appear on each and every date before the trial Court. 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 submits that State has no objection if the present petition is disposed of.

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 regular bail by Additional Sessions Judge, Ludhiana, vide order dated 13.03.2020;
- (iii) The petitioner is ready to furnish bond/surety to the satisfaction of the trial court;

- (iv) The petitioner is not involved in any other criminal case;
- (v) 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;
- (vi) Trial is pending since 2020 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.

Disposed of in above terms.

(JAGMOHAN BANSAL)
JUDGE

14.12.2022

Mohit Kumar

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*