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

CRM-M-59816-2022

Date of decision : 21.12.2022

Gaurav Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Amit Sharma, Advocate for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 of Cr.P.C. for quashing of impugned orders dated 25.10.2018, 05.01.2019, 07.03.2019 and 03.05.2019, vide which the bail of the petitioner has been cancelled and non-bailable warrants have been issued and also order dated 04.06.2019 vide which the present petitioner has been declared as proclaimed offender in FIR No.95 dated 29.12.2016 registered under Sections 61, 1 and 14 of the Punjab Excise Act, 1914 at Police Station Moti Nagar, District Ludhiana.

Learned counsel for the petitioner has submitted that the petitioner was granted bail as the offences, in the present case, are bailable and the said fact has been mentioned in the order dated 01.03.2017 passed by JMIC, Ludhiana, a copy of which has been produced during the course of

arguments and the same is taken on record and marked as Mark "A". It is further submitted that the petitioner was appearing before the trial Court regularly and thereafter, was admitted in the Hospital for kidney transplantation and after his kidney had been transplanted, the petitioner was not keeping good health and on account of the said fact, the petitioner could not appear on several dates before the trial Court. It is contended that the petitioner, on account of his non-appearance, was declared as proclaimed offender. It is further contended that the petitioner has now recovered and would face the trial and has prayed for setting aside the impugned orders. It is argued that the petitioner would appear before the trial Court within a period of three weeks from today and would also give an undertaking before the trial Court that he would appear on each and every date unless his personal appearance is specifically exempted by the trial Court and for the delay caused by the petitioner, he is ready to deposit Rs.30,000/- with the PGI Poor Patients Welfare Fund.

On the other hand, learned State Counsel has opposed the present petition and has submitted that the petitioner was aware of the proceedings and had intentionally not been appearing before the trial Court and thus, the impugned order had rightly been passed.

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

Keeping in view the abovesaid facts and circumstances, more so, the fact that the offences in the present case are bailable and thus, the petitioner was granted bail and thereafter, the petitioner had to undergo kidney transplantation and was thus, not keeping good health and also the

fact that the petitioner is ready to appear before the trial Court within a period of three weeks from today, the present petition is allowed and the impugned orders dated 25.10.2018, 05.01.2019, 07.03.2019, 03.05.2019 and 04.06.2019 are set aside subject to the petitioner appearing before the trial Court within a period of three weeks from today and on his appearance, the trial Court is directed to release the petitioner on bail on his furnishing bail bonds/surety bonds to the satisfaction of the concerned trial Court. The same would also be subject to the petitioner depositing an amount of Rs.30,000/- with the PGI Poor Patients Welfare Fund and would also be subject to the petitioner giving an undertaking to the trial Court that he would appear before the trial Court on each and every date unless his personal appearance is specifically exempted by the Court.

It is, however, clarified that in case, the abovesaid conditions are not complied with within the stipulated period, then the present petition would be deemed to have been dismissed.

21.12.2022*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:- Yes/No****Whether reportable:- Yes/No**