

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

127

**CRM-M-667 of 2023
Date of decision : 09.01.2023**

Mani Sharma

.....Petitioner

VERSUS

State of Punjab

.....Respondents

CORAM: HON'BLE MR JUSTICE HARKESH MANUJA

Present:- Mr. J. S. Mahal, Advocate, for the petitioner.

HARKESH MANUJA, J. (Oral)

By way of present petition, petitioner has prayed for quashing of the order dated 21.11.2022 (Annexure P-3) passed by Additional Sessions Judge, Amritsar, whereby, his bail bonds are cancelled and surety bonds have been forfeited on account of his absence before the concerned Court.

Notice of motion.

Mr. Tarun Aggarwal, Sr. DAG, Punjab, accepts notice on behalf of respondent-State.

Facts leading to the present petition are that the FIR No.0335 dated 16.12.2019 came to be registered against the petitioner wherein, he was granted regular bail by the Court of learned Additional Sessions Judge, Amritsar, vide order dated 13.08.2021.

After framing of charges, the trial was fixed for recording of prosecution evidence and the petitioner has been appearing on each and every date of hearing, however, on 21.11.2022, on account of having noted down wrong date, petitioner could not appear before the Court resulting into cancellation of his bail bonds as well as forfeiture of his surety bonds besides

issuance of non-bailable warrants against him.

Having realized his mistake, the petitioner immediately approached the Court of learned Additional Sessions Judge, Amritsar, along with an application filed under Section 438 Cr.P.C., for grant of anticipatory bail and for explaining the cause of non-appearance on the date fixed, however, the Additional Sessions Judge, Amritsar, dismissed the prayer for grant of anticipatory bail vide order dated 01.12.2022, thereby, compelling the petitioner of filing the present petition before this Court.

I have heard learned counsel for the petitioner and gone through the paper book.

A perusal of the paper book shows that having been granted concession of regular bail, petitioner has been regularly appearing before the trial Court and his non-appearance on one date i.e. on 21.11.2022 appears to be for genuine and *bona fide* reasons.

In view of the above and since, it is first default on the part of the petitioner, impugned order dated 21.11.2022 (Annexure P-3) passed by the Additional Sessions Judge, Amritsar, is hereby set aside, directing the petitioner to appear before the trial Court on the date fixed i.e. on 13.01.2023 and furnish his bail bonds/surety bonds to the satisfaction of the trial Court concerned who shall continue to appear thereafter. However, the aforesaid direction shall be subject to deposit of a sum of Rs. 10,000/- by the petitioner within a period of two weeks from today in the following account:

Account Name-Punjab and Haryana High Court Association
Lawyer's Family Welfare Fund.
Account No. 41564846387.
Bank Name. SBI High Court Branch.

Disposed of accordingly.

09.01.2023
anil

(HARKESH MANUJA)
JUDGE

<i>Whether speaking/reasoned :</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>