

121 IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-482-2023

DATE OF DECISION:-09.01.2023

Ajit Singh @ Fauji @ Dhillon

...Petitioner.

V.

State of Punjab

...Respondent..

**CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA**

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

Mr. Ravinder Singh, AAG, Punjab.

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**HARKESH MANUJA, J. (ORAL)**

By way of present petition under Section 482 Cr.P.C., the petitioner prays for quashing of order dated 29.10.2019 as well as order dated 19.02.2020 passed by the court of learned JMIC, Ludhiana, whereby, bail bonds of the petitioner were ordered to be cancelled and his surety bonds stood forfeited on account of his non-appearance before the trial court followed by declaring him as a proclaimed person.

2. The facts leading to the present case are that FIR No.114 dated 18.07.2014, under Sections 382, 452, 342, 34 IPC and Sections 25, 27, 54 and 59 of the Arms Act, 1959, came to be registered at Police Station Sadar Ludhiana against the petitioner, wherein, he was granted the concession of regular bail and since, then he has been appearing regularly before the court below.

3. Learned counsel for the petitioner submits that during trial, on one

of the date i.e. 29.10.2019, the petitioner could not appear before the trial court on account of some communication gap between him and his counsel about the date of hearing, resulting into cancellation of his bail bonds and forfeiture of surety bonds by the trial court vide its order dated 29.10.2019. Subsequently, vide order dated 19.02.2020 passed by JMIC, Ludhiana, the petitioner was declared as a proclaimed person. Thereafter, on account of covid-19 situation, the petitioner could not approach the trial court for a considerable period and finally, moved an application under Section 438 Cr.P.C. for grant of anticipatory bail, but the same was dismissed by the learned Additional Sessions Judge, Ludhiana vide order dated 17.08.2021, compelling him to approach this Court by way of present petition challenging the orders dated 29.10.2019 and 19.02.2020 passed by the court of learned JMIC, Ludhiana.

4. Learned counsel for the petitioner also submits that the non-appearance of the petitioner on the date fixed i.e. 29.10.2019 was on account of bonafide reasons as there was some communication gap between him and his counsel about the date of hearing and by the time he became aware of the proceedings, he was declared as a proclaimed person followed by lockdown on account of covid-19 situation and as such, could not appear before the court.

5. Learned counsel submits that the petitioner has all respects for the law and the courts and never intended to avoid the courts proceeding. He further submits that after having been granted the concession of regular bail, the petitioner has been regularly appearing before the court below till 29.10.2019 and even undertakes to participate in the proceedings before the

trial court by putting in appearance on each and every date.

6. On the other hand, the prayer made in the petition is strongly opposed by the learned State counsel, who vehemently contends that in the present case, the petitioner failed to appear before the court for almost two years and thus, delayed the proceedings in the trial.

7. I have heard learned counsel for the parties and gone through the paper book, I find reasonable substance in the submissions made on behalf of the petitioner.

8. Though, the petitioner failed to appear before the trial court on 29.10.2019 followed by his declaration as a proclaimed person vide order dated 19.02.2020 but the petitioner has been regularly appearing before the trial court after having been granted the concession of regular bail and the reasons professed and projected at the instance of the petitioner as regard the miscommunication about the date of hearing as well as the out-break of covid-19, resulting into delay in appearance on the part of the petitioner appear to be reasonable and without any malafide on his part.

9. Keeping in view the aforesaid facts and circumstances, the present petition is allowed, the impugned orders dated 29.10.2019, 29.11.2019 and 19.02.2020 are set aside, subject to the petitioner appearing before the trial court on or before the date fixed i.e. 30.01.2023 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 aforesaid direction would however, be subject to the petitioner depositing an amount of Rs.15,000/- with the "Punjab and Haryana High Court Bar Association Lawyer's Family Welfare Fund, Account No.-41564846387,

Bank Name- SBI High Court Branch 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.

10. 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.

09.01.2023  
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(HARKESH MANUJA)  
JUDGE

whether speaking/reasoned: Yes/No  
whether reportable: Yes/No