

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-3233-2023

Date of Decision: January 20, 2023

Narinder Kaithal and another

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. J.S. Thakur, Advocate for the petitioners.

HARKESH MANUJA, J (ORAL)

By way of present petition under Section 482 Cr.P.C., prayer has been made for setting aside the order dated 07.06.2022; whereby bail bonds of the petitioners were cancelled and surety bonds forfeited followed by issuance of non-bailable warrants against them.

In pursuance to FIR No. 43 dated 13.03.2020 under Sections 379-B, 34 IPC, Police Station Navi Baradari, District Jalandhar, registered at the instance of one Prem Kumar, the petitioners were granted the concession of regular bail by the trial Court on 28.04.2020. After submission of challan, the petitioners continued to appear in the trial Court except on 07.06.2022, resulting into cancellation of their bail bonds.

Learned counsel for the petitioners submits that the petitioners happened to be poor persons having no knowledge of intricacies of law and on account of some communication gap, there being intermittent breaks in the Court hearings on account of Covid-19 pandemic, could not appear before the trial Court on 07.06.2022, resulting into passing of the aforesaid

order. Learned counsel further submits that the petitioners are law-abiding citizens having great respect for law and Courts and never intended to run away from the trial; but for their bonafide mistake. He further submits that the petitioners are ready to appear before the trial Court on each and every date except being granted exemptions and thus, they may be permitted to appear and furnish their bail bonds/ surety bonds.

Notice of motion.

Mr. Tarun Aggarwal, Sr. DAG, Punjab, who is present in Court, accepts notice on behalf of the respondent-State and opposed the prayer by submitting that the petitioners have taken almost more than six (06) months to approach the Court for putting up their appearance and thus, their intention was only to delay the trial.

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

Though, there does not appear to be any justification on the part of the petitioners for approaching this Court after a period of 06 months, however, considering their conduct wherein they have been regularly pursuing their trial for a period of more than 02 years after they were granted the concession of regular bail, in view of the facts and circumstances of the present case, I deem it appropriate to dispose of the present petition with a direction to the petitioners to surrender before the trial Court on the date fixed i.e. 01.02.2023 and furnish fresh bail bonds/ surety bonds to its satisfaction and on their doing so, they will be released

on regular bail subject to any other condition imposed by learned trial Court.

Ordered accordingly.

Considering the delay in approaching this Court at the hands of petitioners, the aforesaid order shall be subject to payment of Rs.20000/- to be deposited with the Punjab and Haryana High Court Association Lawyer's Welfare Fund having Account No.41564846387 with State Bank of India, High Court Branch, Chandigarh, within a period of two weeks from today.

January 20, 2023
sanjay

[HARKESH MANUJA]
JUDGE

Whether speaking/reasoned
Whether reportable?

yes/no
yes/no