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

CRM M-5095-2023

Date of Decision: February 01, 2023

Gurpreet Singh @ Gora and another .....Petitioners

Vs.

State of Punjab .....Respondent

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

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Present:- Mr. Varin Girdhar, Advocate for the petitioners.

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

By way of present petition under Section 482 Cr.P.C., a limited prayer has been made seeking extension of time as regards compliance of direction issued by the Court of Additional Sessions Judge, Ludhiana, directing the petitioners to furnish one surety each to the tune of Rs.75000/- as contemplated under Section 437-A Cr.P.C.

Learned counsel for the petitioners submits that though the personal bail bonds to the tune of Rs.75000/- each were duly furnished before the concerned Court, however, on account of some bonafide miscommunication, the direction as regards furnishing of one surety bond each of the like amount by the petitioners could not be complied with. Learned counsel also submits that the aforesaid mistake was neither intentional; nor willful and even the petitioners did not gain anything illegal by non-complying with the aforesaid directions. He further submits that the petitioners happened to be poor agriculture labourer having no intricate knowledge of the procedural aspects and thus, pray for grant of some more time so as to comply with the aforesaid directions.

On the other hand, Mr. Tarun Aggarwal, Sr. DAG, Punjab, submits that the petitioners were required to be vigilant enough to comply

with the directions issued by the Court of learned Additional Sessions Judge, Ludhiana vide order dated 12.10.2022 and thus, hesitatingly objects the prayer made in the petition.

I have heard learned counsel for the parties and gone through the paper-book. In find substance in the submissions made on behalf of the petitioners. The petitioners being poor agriculture labourer, cannot be made to suffer merely on account of some bonafide error on their part of not complying with the directions issued by learned Additional Sessions Judge, Ludhiana vide order dated 12.10.2022 for not furnishing one surety each for the sum of Rs.75000/-.

Considering the facts and circumstances of the present case, there does not appear to be any reason to disbelieve the petitioners as regards the reasoning given by them for non-compliance of the order dated 12.10.2022.

Consequently, the petition is allowed. Petitioners are given two weeks' time for compliance of order dated 12.10.2022 i.e. to furnish surety bonds for a sum of Rs.75000/- each.

February 01, 2023  
sanjay

(HARKESH MANUJA)  
JUDGE

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |