

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

**CRM-M-7884-2023**

**Date of Decision: February 14, 2023**

Harcharan Singh @ Happy and others

.....Petitioners

Versus

State of Punjab

.....Respondent

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

**Present:** Mr. Gaurav Tangri, Advocate for the petitioners.

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**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 23.01.2023 (P-5) passed by learned Additional Sessions Judge, Jalandhar; whereby bail bonds of the petitioners were cancelled and surety bonds forfeited followed by issuance of warrants of arrest against him.

Having been arrayed as accused in FIR No.200 dated 17.08.2020, under Sections 302, 201 & 120-B IPC, registered at Police Station Mehatpur, District Jalandhar, the petitioners were granted the concession of regular bail on 29.10.2021. After submission of challan, petitioners continued to appear before the trial Court; but for 23.01.2023, on account of having noted down a wrong date, they absented themselves resulting into cancellation of their bail bonds, forfeiture of surety bonds and issuance of warrants of arrest

against them vide order dated 23.01.2023, which has been impugned by way of present petition.

Learned counsel for the petitioners submits that non-appearance of the petitioners was wholly unintentional as they had been regularly appearing before the trial Court since the grant of regular bail, having no intention to delay the proceedings. He again submits that the petitioners shall continue to appear before the trial Court and thus, prays for setting aside of the order dated 23.01.2023.

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 only purpose of non-appearance of the petitioners before the trial Court was to delay the proceedings.

I have heard learned counsel for the parties and gone through the paper-book. I find substance in the submissions made on behalf of the petitioners.

Having been granted the concession of regular bail vide order dated 29.10.2021, petitioners have been regularly appearing before the trial Court and facing the proceedings pending against them. There does not appear to be any reason to disbelieve the stand taken by the petitioners as regards noting down of the wrong date. More than that, the petitioners are willing to face the proceedings before the trial Court.

Resultantly, the present petition is allowed. Impugned order dated 23.01.2023 is hereby set aside. Petitioners are directed to surrender before the trial Court within a period of 01 (one) week from today and furnish fresh bail bonds/ surety bonds to its satisfaction and on their doing so, they shall be released on regular bail subject to any other condition imposed by learned trial Court.

However, the aforesaid order shall be subject to payment costs of Rs.30000/- to be deposited by all the petitioners with the Punjab and Haryana High Court Association Lawyer’s Family Welfare Fund having Account No.41564846387 with State Bank of India, High Court Branch, Chandigarh, within a period of two weeks’ from today.

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|-------------------------------------------|-----------------------------------------|
| <b>February 14, 2023</b><br><b>sanjay</b> | <b>[HARKESH MANUJA]</b><br><b>JUDGE</b> |
| Whether speaking/reasoned                 | yes/no                                  |
| Whether reportable?                       | yes/no                                  |