

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

CRM-M-8952-2023

Date of Decision: 20.02.2023

Robert

..... Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Sushant Kohli, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (ORAL)

Prayer in the present petition is for quashing of the impugned order dated 22.08.2022 passed by learned Chief Judicial Magistrate, Jalandhar, whereby, bail bonds of the petitioner were cancelled and forfeited to the State and non-bailable warrants were issued against him in a case FIR No.197, dated 16.07.2020, registered under Section 188 IPC read with Section 3 of Epidemic Disease Act, 1897, at Police Station Division No.6, Jalandhar City.

It has been contended by learned counsel for the petitioner that the petitioner is a poor man, earning his livelihood by selling burgers. He submits that the above said case was registered against the petitioner during Covid time and he was continuously attending the Court till 11.01.2022 and thereafter, he was under the impression that he would get a notice from the Court requiring his appearance, but he never got any such notice and ultimately came to know that vide order dated 22.08.2022, his bail order has been cancelled and his bail/surety bonds have been forfeited to the State and he has been ordered to be summoned through non-bailable warrants. He has further submitted that absence of the petitioner was totally unintentional and

he is ready to join the proceedings and undertakes not to repeat such type of default in future.

Notice of motion.

Mr. Sandeep Kumar, Deputy Advocate General, Punjab accepts notice on behalf of the State.

Learned State counsel has opposed the submissions made by learned counsel for the petitioner and has stated that the trial Court has rightly cancelled the bail of the petitioner on 22.08.2022, who remained absent without any reason.

Heard.

After hearing learned counsel for the parties and perusing the record, it is evident that due to the absence of the petitioner, his bail/surety bonds were cancelled and forfeited to the State on 22.08.2022 and he was ordered to be summoned through non-bailable warrants. In these circumstances, when the petitioner is ready to join the proceedings and face the trial and has also undertaken not to repeat such type of default in future, this Court finds that no useful purpose will be served by sending the petitioner behind the bars, rather it will be appropriate if he is sent to face trial of the main case pending against him. So while disposing of the present petition, the order dated 22.08.2022 is set aside.

The petitioner is directed to appear before the trial Court within 10 days from today and to file an appropriate application and the trial Court would admit him to bail on his furnishing fresh bail/surety bonds to its satisfaction. The petitioner will have protection from arrest for a period of 10 days from today.

Needless to say that in case the petitioner fails to comply with

the abovesaid direction, this order would be of no avail and the order dated 22.08.2022 will come in force.

20.02.2023

sharmila

Whether Speaking/Reasoned

Whether Reportable

:

:

Yes/No

Yes/No

(RAJESH BHARDWAJ)

JUDGE