

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

CRM-M-11410-2023

Date of Decision: 27.03.2023

HARJINDER SINGH

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Fariad Singh Virk, Advocate
for the petitioner.

Mr. Aditya Kapoor, A.A.G., Punjab.

HARSH BUNGER, J.

Petitioner has filed the present petition under Section 482 of the Code of Criminal Procedure, for quashing/setting aside the order dated 14.11.2018 (Annexure P-2) passed by Sub Divisional Judicial Magistrate, Budhlada, in case FIR No.69 dated 05.09.2015 registered under Sections 420 and 120-B of the Indian Penal Code, at Police Station City Budhlada, District Mansa (Annexure P-1), vide which, his bail order was cancelled; bail/surety bonds were forfeited to the State and non-bailable warrants were issued against him.

Learned counsel for the petitioner submits that the petitioner was on bail and thereafter, he was regularly appearing before the trial Court. However, on one date i.e. 14.11.2018, he could not appear before the trial Court as he was working as driver of Harvesting Machine in Madhya Pradesh during that time and he is an illiterate person and his counsel did not inform him about the date fixed; therefore, his bail order was cancelled and bail/surety bonds were forfeited to the State and non-bailable warrants

of arrest were issued against him. Learned counsel further submits that the non-appearance of the petitioner before the trial Court on 14.11.2018 was neither intentional nor deliberate. Learned counsel for the petitioner further submitted that the petitioner is ready and willing to surrender before the learned trial Court; however, he states that in the meantime, he may be protected.

Learned counsel for the respondent-State opposes the request of the petitioner on the ground that he disobeyed the terms of bail passed by the Court below, which shows his negligence and the petitioner has stayed away from the proceedings since 2018, hence, he does not deserve any leniency.

I have heard learned counsel for the parties and have perused the paper book as well as order dated 14.11.2018 (Annexure P-2) passed by learned Sub Divisional Judicial Magistrate, Budhlada.

In view of the afore-said undertaking given by the learned counsel for the petitioner, the petitioner is directed to surrender before the learned trial Court within a period of three weeks from today. Till the time of his surrender i.e. within a period of three weeks from today, no coercive steps shall be taken against the petitioner. After his surrender, in case the petitioner files an application for grant of regular bail, the same shall be considered by the learned trial Court expeditiously (if possible), in accordance with law.

The petition is accordingly disposed of.

March 27, 2023
gurpreet

(HARSH BUNGER)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No