

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(119)

CRM-M-12247 of 2023
DATE OF DECISION:-13.03.2023

Deepak Singh Rathore @ Deepak Kumar

...Petitioner

vs.

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Sandeep Sharma, Advocate, for the petitioner.

HARKESH MANUJA, J.

By way of present petition filed under Section 482 of the Code of Criminal Procedure, 1973, petitioner prays for setting aside the order dated 17.10.2022 passed by JMIC-13, Jalandhar, whereby, the bail bonds of the petitioner have been cancelled and surety bonds, forfeited followed by issuance of non-bailable warrants against him.

In the present case, having been implicated in the FIR No.70 dated 17.05.2021 under Sections 304-A, 279, 337, 427 IPC 1860, P. S. Bhogpur, District Jalandhar, petitioner was granted concession of regular bail vide order dated 31.05.2021 and on account of his non-appearance before the trial Court on 17.10.2022, his bail bonds were cancelled, surety bonds forfeited, followed by issuance of non-bailable warrants against him.

Learned counsel for the petitioner submits that petitioner happens to be a truck driver who has been travelling distant places in connection with his job requirement and thus, could not appear before the Court on the date fixed resulting into passing of impugned order. Learned counsel further submits that petitioner undertakes to appear before the trial Court on each and every date unless granted exemptions specifically.

Notice of motion.

Mr. Tarun Aggarwal, Sr. DAG, Punjab, accepts notice and submits that the intention of the petitioner has been to delay the proceedings pending against him as he has not been appearing on the previous two dates as well.

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 petitioner.

A perusal of order dated 26.09.2022 shows that even on the said date, the prayer was made for seeking exemption from appearance, at the hands of petitioner while submitting that he was away to Bangalore which strengthen the plea of the petitioner of he being a driver and in connection with his job requirement, he has to remain from his place of permanent abode.

Keeping in view the aforesaid facts, the present petition is allowed and the impugned orders dated 17.10.2022 (Annexure P-10) and 24.01.2023 (Annexure P-11) are hereby set aside directing the petitioner to appear before the trial Court within a period of 15 days from today and submit his bail bonds/surety bonds which shall be accepted by the Court concerned.

It may be pointed out here that the appearance of petitioner would further the cause of justice as the absence would only delay the disposal of case pending before the trial Court.

However, the aforesaid order shall be subject to payment of costs of Rs.5,000/- to be deposited with the Punjab and Haryana High Court Employees Welfare Association having Account No.37167209613 with

State Bank of India, High Court Branch, Chandigarh, within a period of two weeks from today.

13.03.2023
anil

(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No