

CRM-M-14585 of 2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-14585 of 2023
Date of Decision:19.04.2023.

Sukhdev Singh

....Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Ms. Bhupinder Kaur, Advocate
for the petitioner.

VIKRAM AGGARWAL, J. (ORAL)

1. Prayer in the present petition is for quashing of order dated 13.03.2023 (Annexure P-2) passed by Additional Sessions Judge, Kapurthala in CRA-54-2023 titled as ‘Sukhdev Singh Vs. State of Punjab and another’, vide which the present petitioner (being the appellant therein) was directed to deposit 20% of the compensation amount of ₹ 11,00,000/- within a period of 60 days.
2. At the outset, learned counsel for the petitioner submits that the petitioner is ready to abide by the condition imposed by the Court by way of the impugned order, but the concerned trial Court/Duty Magistrate, vide order dated 18.03.2023 refused to accept the bail bonds on the ground that without the deposit of 20% i.e., the fine amount, as directed by the Additional Sessions Judge, Kapurthala bail bonds could not be accepted. It has been submitted by the learned counsel for the petitioner that she limits her prayer to the issuance of a direction to the concerned trial Court/Duty Magistrate to accept the bonds and undertakes that after the release of the petitioner, the petitioner would deposit the amount of 20% as ordered by the Additional Sessions Judge, vide order dated 13.03.2023 and

3. The prayer made by learned counsel for the petitioner appears to be genuine.
4. In the considered opinion of this Court, the concerned trial Court/Duty Magistrate, committed an error by not ordering the release order of the petitioner and insisted upon the deposit of 20%, though a period of 60 days had been granted to deposit of the same. In case of non-deposit, it would be the concerned Additional Sessions Judge, who would be entitled to take action in accordance with law and the concerned trial Court/Duty Magistrate had no authority to refuse the acceptance of bail bonds and the consequent issuance of the release warrant.
5. Be that as it may, the present petition is disposed of with a direction to the concerned trial Court/Duty Magistrate, to proceed in accordance with law and accept the bail bonds/surety bonds to its satisfaction and order the issuance of release warrants of the petitioner in accordance with the order dated 13.03.2023 passed by the Additional Sessions Judge, Kapurthala. The petitioner would be at liberty to deposit the 20% of the amount within a period of 60 days from 13.03.2023 i.e., the date of the order passed by the Additional Sessions Judge, Kapurthala.

April 19th, 2023
Rekha

(VIKRAM AGGARWAL)
JUDGE

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