

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-15157-2023

Date of decision: 24.03.2023

SAHIL KUMAR ALIAS SAHIL

...Petitioner(s)

VERSUS

STATE OF PUNJAB

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH

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

Ms. Himani Arora, AAG Punjab.

GURBIR SINGH, J. (ORAL)

The prayer in the present petition filed under Section 438 Cr.P.C. is for quashing of impugned order 06.12.2021 (Annexure P-3) passed by Court below vide which bail of the petitioner has been cancelled, warrant of arrest has been issued against the petitioner and bail bonds and surety bonds have been forfeited to the state and impugned order dated 16.03.2022 (Annexure P-4) whereby again warrant of arrest is issued against him.

Ld. counsel for the petitioner states that petitioner was granted bail on 16.10.2019 and thereafter he was regularly appearing before the Court. He further submits that he could not appear on 16.03.2022 as he noted a wrong date due to communication gap occurred between the petitioner and the counsel in the trial Court. On 06.12.2021 bail bond and surety bond of the petitioner were cancelled and forfeited to state. The order dated 06.12.2021 is reproduced below for reference :

*“None has appeared on behalf of the accused
despite repeated callings of the case. It is already 3.55 PM.*

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Hence, bail bond and surety bond of accused are cancelled and forfeited to state. Let warrants of arrest of accused and notice to his surety be issued returnable for 16.03.2022 for further proceedings”.

Thereafter non-bailable warrant was issued on 16.03.2022. On 21.02.2023 petitioner being afraid of arrest did not appear and proclamation under Section 82 Cr.P.C has been issued for 15.04.2023.

Notice of motion.

At the asking of the Court, Ms. Himani Arora, AAG, Punjab, appears and accepts notice on behalf of respondent No.1-State.

Since bail granted to the petitioner was not cancelled. On his surrender before the trial Court, he is entitled for bail.

In view of the above, the present petition stands disposed of.

The petitioner is directed to appear/surrender before the learned trial Court/Duty Magistrate within 10 days and move an application for bail. He shall be admitted to bail on furnishing personal bond/surety bond to the satisfaction of trial Court/Duty Magistrate concerned.

Proceedings of Section 446 Cr.P.C shall continue.

(GURBIR SINGH)
JUDGE

24.03.2023
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Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No