

118 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-15788-2023 (O&M)

Date of decision: 30.05.2023

SANDEEP SHARMA

...Petitioner

V/s

STATE OF PUNJAB

...Respondents

CORUM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Rakesh Kumar, Advocate
for the applicant/petitioner.

DEEPAK MANCHANDA J.

CRM-24337-2023

This is an application under Section 482 of Cr.P.C. seeking placing on record the interim orders passed by the trial Court since 28.09.2015.

For the reasons mentioned in the application same is allowed and zimni orders filed as Annexure P-4 are taken on record, subject to all just exceptions.

Registry is directed to tag the same at the appropriate place.

CRM-M-15788-2023

The petitioner has preferred this petition under Section 482 of the Code of Criminal Procedure for setting aside the order dated 01.02.2023 (Annexure P-3) passed by the Additional Sessions Judge-II, KPT in case FIR No. 58 dated 13.07.2015 under Sections 399, 402 of Indian Penal Code at Police Station Begowal, District Kapurthala.

Learned counsel for the petitioner contends that vide order dated 11.09.2020, the petitioner was granted the concession of regular bail who continued to attend the trial proceedings regularly. However, on 01.02.2023, he failed to appear before the trial Court on account of wrong noting of the next date of hearing on the last date of hearing. Hence, his absence is unintentional and bona fide. Reasons for the same have been mentioned in para No. 3 of the

present petition. The absence of the petitioner resulted into passing of the order dated 01.02.2023, whereby the learned trial Court proceeded to cancel his bail and issued the non-bailable warrants.

He further submits that the petitioner is ready and willing to join the trial proceedings.

Notice of motion.

At this stage, Mr. P.S. Grewal, DAG Punjab, who is present in the Court accepts notice on the asking of the Court and submits that the impugned order has been passed on the sole ground of absence of the petitioner, however, it is not disputed by him that the petitioner was on regular bail since 11.09.2020.

A perusal of the zimni orders placed on record by learned counsel for the petitioner reveals that petitioner had also absented himself from the trial Court, on previous date also i.e. 24.09.2018 and 07.01.2021 and this is the third occasion when the petitioner has failed to put in appearance before the trial Court, which reflects that petitioner is a habitual absconder and order dated 01.02.2023 (Annexure P-3) further reflects that the trial Court proceeded to pass the extreme order of cancellation of bail for the reason of absence of the petitioner.

Learned counsel for the petitioner submits that the said absence was unintentional and due to the reasons mentioned para No. 3 of the petition.

The explanation offered for non-appearance and unintentional absence before the trial Court is accepted in the interest of justice.

In view of the above, the order dated 01.02.2023 (Annexure P-3) is

set aside and the petitioner is directed to appear before the trial Court within a

period of one week from the date of receipt of certified copy of this order and on doing so he is allowed to remain on the same bail bonds and surety bonds subject to payment of costs amounting to Rs. 25,000/- to be paid by the petitioner in *Punjab and Haryana High Court Employees' Welfare Association Fund* and on production of receipt of aforesaid costs before the trial Court.

In case, the petitioner does not appear before the trial Court within the stipulated period, the order dated 01.02.2023 (Annexure P-3), passed by the trial Court, shall remain intact.

Petition disposed of.

(DEEPAK MANCHANDA)
JUDGE

30.05.2023
Ajay Goswami

Whether speaking/reasoned
Whether reportable

Yes
Yes/No