

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

CRM-M-17228-2023

Date of Decision: 12.04.2023

JAGPREET SINGH AND ANOTHER

...Petitioners

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Sandeep Arora, Advocate
for the petitioners.

HARSH BUNGER, J. (ORAL)

Petitioners have filed the present petition under Section 482 of the Code of Criminal Procedure, for quashing/setting aside the order dated 23.02.2023 (Annexure P-2) in case FIR No.04 dated 03.01.2017, registered under Sections 399, 402 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959, at Police Station Shahkot, District Jalandhar, vide which, their bail order was cancelled; bail/surety bonds were forfeited to the State and non-bailable warrants were issued against them.

2. Learned counsel for the petitioners submits that the petitioners were on bail and thereafter, they were regularly appearing before the trial Court. However, on one date i.e. 23.02.2023, they could not appear before the trial Court as they had gone to Gujarat in connection with some work and hence, they moved an application for personal exemption but the same was rejected by the learned trial Court and their bail order was cancelled and bail/surety bonds were forfeited to the State and non-bailable warrants of arrest were issued against them.

3. Learned counsel further submits that the non-appearance of the petitioners before the trial Court on 23.02.2023 was neither intentional nor deliberate but for the above said reason. Learned counsel for the petitioners further submitted that the petitioners are ready and willing to surrender before the learned trial Court and undertake to appear on each and every date; however, he states that in the meantime, they may be protected.

4. Pursuant to the advance copy of petition having been sent to learned State counsel, Mr. Subhash Godara, Additional Advocate General, Punjab, appears and opposes the request of the petitioners on the ground that they disobeyed the terms of bail order/bonds, which show their negligence and hence, they do not deserve any leniency.

5. I have heard learned counsel for the parties and have perused the paper book as well as order dated 23.02.2023 (Annexure P-2) passed by learned Judge, Special Court, Jalandhar.

6. In view of the afore-said undertaking given by the learned counsel for the petitioners, the present petition is disposed of with a direction to the petitioners to surrender before the learned trial Court within a period of three weeks from today by furnishing their undertaking before the Court that they would attend the Court proceedings regularly and shall not leave the country without prior permission of the Court and abide by all terms and conditions to be imposed by the learned trial Court. In case, the petitioners surrender before the learned trial Court within the stipulated period then they be released by it upon their furnishing fresh surety/bail bonds to its satisfaction, subject to payment of cost of Rs.10,000/- each to be deposited with the concerned District Legal Services Authority. Till the time of their surrender i.e. within a period of three weeks from today, no coercive steps shall be taken against the petitioners.

7. However, at the time of release of the petitioners, the concerned Station House Officer shall be informed and the petitioners shall inform the concerned Station House Officer about their address(es) at which they intend to reside during the pendency of the case and any change in the address shall also be communicated to the concerned Station House Officer, forthwith. The petitioners would also furnish their telephone numbers to the concerned Station House Officer.

8. The petition is accordingly disposed of.

April 12, 2023
Amandeep/gurpreet

(HARSH BUNGER)
JUDGE

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