

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 133

Criminal Miscellaneous No.M-19149 of 2023

Date of Decision: April 20, 2023

Pulkit Tandon @ Pulkit Tondon

..... PETITIONER(S)

VERSUS

State of Punjab

..... RESPONDENT(S)

...

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

...

PRESENT: - Mr. Aman Joon, Advocatae for Ms. Deepshikha Arora,
Advocate for the petitioner.

Mr. Jashandeep Singh, AAG, Punjab.

...

Tribhuvan Dahiya, J (Oral)

This petition has been filed for setting aside the order dated 22.02.2023 (Annexure P-4) passed by the trial Court whereby on violation of conditions of bail and non-appearance before the Court by the petitioner, his bail was cancelled and bail bonds were forfeited to the State.

2. Notice of motion.

3. Mr. Jashandeep Singh, AAG, Punjab, accepts notice on behalf of respondent-State.

4. Learned counsel for the petitioner contends that the matter has been settled between the petitioner/accused and the complainant by way of a compromise dated 24.01.2023. Based upon that a petition for quashing of the FIR No.490 dated 05.09.2021, under Sections 406 and 498-A IPC, registered at Police Station Zirakpur, S.A.S. Nagar (Mohali) has also been filed before the High Court, i.e., CRM-M-15045-2023. Notice of motion has been issued and the parties have been directed to get their statements recorded in terms of the compromise vide order dated 27.03.2023. It is

further contended that the petitioner-accused was under impression that he was not required to appear before the trial Court any longer and was misguided on that account. His non-appearance was not intentional as he has been regularly appearing before the trial Court earlier as is apparent from the short orders dated 18.07.2022 and 24.08.2022 placed on record as Annexure P-3.

5. Learned counsel for the parties have been heard.

6. The explanation given by learned counsel for the petitioner appears to be reasonable, as only on account of the matter having been compromised and a petition for quashing of the FIR also having been filed, he mistakenly did not appear before the trial Court, leading to cancellation of his bail and forfeiture of bail bonds. His non-appearance was not deliberate and intentional, nor was it an attempt to flee from the process of law.

7. Therefore, the order dated 22.02.2023 is set aside, subject to appearance of the petitioner before the trial Court on the next date, i.e., 09.05.2023. He shall be allowed to remain on the bail bonds and surety bonds already furnished pursuant to the order dated 18.07.2022, admitting him to regular bail. In the event of non-compliance of this order, the impugned order dated 22.02.2023 shall remain in force.

8. Petition stands allowed.

(Tribhuvan Dahiya)
Judge

April 20, 2023
payal

Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No