

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

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CRM-M-19277-2023

Date of decision: 20.04.2023

JASPAL SINGH ALIAS JASSA

..... Petitioner

VS

STATE OF PUNJAB

..... Respondent

CORAM : HON'BLE MR. JUSTICE ALOK JAIN

Present :- Mr. Barjinder Singh, Advocate for the petitioner

ALOK JAIN, J. :

The instant petition has been filed seeking quashing of the order dated 03.01.2023 (Annexure P-6), passed by the learned Judge, Special Court, Kapurthala, in FIR No.128, dated 11.09.2020, under Sections 363/366/376 IPC (offence under Section 376-D deleted later on) and Section 6 of the POCSO Act, 2012, whereby the learned trial Court has cancelled the bail/surety bonds of the petitioner on account of non-appearance in the Court on 03.01.2023 and non-bailable warrants against the petitioner have been issued.

Learned counsel for the petitioner, at the outset, submits that the petitioner is ready to surrender before the Court below, in the present case, wherein, vide order dated 03.01.2023 his bail, which was already granted, was cancelled and the bail/surety bonds were forfeited.

Learned counsel for the petitioner further submits that the petitioner could not put in appearance in the Court on 03.01.2023 for the reason that he was arrested in another case in FIR No.276 dated 06.12.2022, under Sections 21/29/61/85 of the NDPS Act and Sections 482/411 IPC, registered at Police City Kapurthala. However, he had been granted bail in the said case on 07.01.2023.

Learned counsel for the petitioner fairly submits that the petitioner is ready to surrender before the Court below. However, this order may not come as a hurdle for considering his fresh bail application. Accordingly, he prays for setting aside the order dated 03.01.2023 passed by the Court below and relies upon the judgment dated 21.03.2023 passed by a Coordinate Bench in CRM-M-14028-2023, “ Rohit vs. State of Punjab.”

Notice of motion.

On the asking of the Court, Mr.Arun Gupta, AAG Punjab, accepts notice on behalf of the respondent-State and he does not dispute the aforesaid facts.

Heard learned counsel for the parties.

The very purpose of issuance of non-bailable warrants is to ensure the presence of the accused during the pendency of the trial and to establish the rule of law and in the light of the facts of the present case, the petitioner was in custody from 06.12.2022 to 07.01.2023, which resulted in non-appearance before the trial Court on 03.01.2023.

Considering the aforesaid facts of the matter and after hearing learned State counsel, in the larger interest, to meet the ends of justice and finding reference to the above being applicable to the present case, the petition is allowed. The order dated 03.01.2023 passed by the Court below is set aside. The petitioner is directed to surrender before the trial Court on or before 30.04.2023 and deposit a sum of Rs.5000/-in the following account:

Punjab and Haryana High Court Bar Association

Lawyer's Family Welfare Fund

Account No.41564846387

Bank Name-SBI High Court Branch

Upon doing so and on appearance of the petitioner before the trial Court, the trial Court shall release him on bail and consider the bail/surety bonds already furnished by him. Further, it is clarified that the petitioner shall surrender his passport (if any) and will not leave the country without prior permission of the Court and shall abide by all the conditions stated above, in addition to the conditions already imposed, in the facts of the present case. It is clarified, that in case, the petitioner does not adhere to the aforesaid conditions, the present petition shall be deemed to be dismissed without any further reference to the Court.

(ALOK JAIN)
JUDGE

20.04.2023

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Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No.