

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

CRM-M-20172-2023 (O&M)

Date of decision: 03.07.2023

Heera Singh and another

.....Petitioners

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

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

Mr. Shubham Kaushik, AAG Punjab.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 of Code of Criminal Procedure for quashing the impugned order dated 20.03.2023 (P-3) whereby bail of both the petitioners was cancelled and their bail bonds as well as surety bonds were forfeited to the State.

2. It transpires that Coordinate Bench on 25.05.2023, while granting interim protection to the petitioners passed the following order:-

“.....Without commenting on the merits of the case and keeping in view the above facts and circumstances of the case, the petitioners are directed to appear in the trial Court on or before 30.05.2023 and in that event they are ordered to be released on interim bail on furnishing personal/surety bonds to the satisfaction of the concerned Court/Duty Magistrate. The petitioners will also furnish the undertaking in the trial Court that they will regularly appear in the Court in future and only in case of extreme urgency they will seek the prior permission from the Court qua the exemption.

List on 02.06.2023.”

3. It is submitted by Id. Counsel that in pursuance of the aforesaid order, petitioners have joined proceedings before the learned trial Court and they were released on interim bail. Also submitted that both the petitioners are regularly appearing before the Court below and there is no other criminal case pending against them. Copy of order dated 29.05.2023 passed by Id. trial Court is also placed on record and which is marked as ‘X’.

4. Id. State counsel on instructions from quarter concerned has acknowledged the above factual position and submitted that proceedings are going on smoothly before Court below.

5. It seems that petitioners could not appear before the learned trial Court owing to intimation of wrong date of hearing by their counsel and as such, their absence was not intentional; but for the aforesaid reason. Consequently, the impugned order dated 20.03.2023 (P-3) forfeiting the bail / surety bonds is set-aside and the interim order dated 25.05.2023, passed by this Court is made absolute.

6. Petition stands disposed off.

7. Both the petitioners are directed to fully cooperate before Id. trial Court, without seeking any unnecessary adjournment(s) in the matter.

03.07.2023
SN

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No