

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

275

CRM-M-22100-2022

Date of decision: 16.08.2023

Daljit Singh @ Manna

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

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

Ms. Himani Arora, AAG, Punjab.

AMAN CHAUDHARY, J

1. The present petition has been filed under Section 482 CrPC for quashing of order dated 29.04.2022 passed by Ld. Special Court, Jalandhar vide which the Ld. Court below dismissed the application for exemption filed by the petitioner and cancelled the bail order and issued non bailable warrants have been issued against the petitioner.

2. Learned counsel contends that the petitioner, who was granted regular bail, was unable to appear on 29.04.2022 on account of the fact that he was suffering from high grade fever. The application for exemption filed by him on the aforesaid ground was dismissed and thus his bail was cancelled as also non-bailable warrants were issued. Thereafter in pursuant to the orders passed by this Court on 20.05.2022 and 31.10.2022, directing the petitioner to surrender and for he being admitted on interim bail, he surrendered before the trial Court and was granted interim bail. Copy of the order dated 03.11.2022 has been produced in Court to substantiate the aforesaid as also the fact that Rs.25,000/- has been deposited vide receipt No.97 dated 02.11.2022.

3. Learned State counsel affirms the same.
4. Heard.
5. In compliance with orders dated 20.05.2022 and 31.10.2022, the amount stands deposited vide order dated 02.11.2022, which reads thus:-

“Heard. Application is supported with the copy of order dated 20.05.2022 passed by Hon’ble High Court of Punjab and Haryana in CRM No.M-22100 of 2022 and subsequent order dated 31.10.2022. Vide order dated 20.05.2022 accused is ordered to be released on interim bail on furnishing adequate bail/surety bonds to the satisfaction of trial court and to deposit a sum of Rs.2500/- in the District Legal Aid Services Authority, Jalandhar. Further vide order dated 31.10.2022 the time period for making surrender before the trial Court is extended till 03.11.2022 subject to payment of Rs.25,000/- as costs in the District Legal Aid Services Authority, Jalandhar. Costs of Rs.25,000/- has been deposited vide receipt No.97 dated 02.11.2022. Ld. Counsel for applicant/accused sought time to deposit the costs of Rs.2500/-. Same be deposited within the period of two working days, under intimation to this court.

Consequently, in view of both the said orders, accused Daljit Singh @ Manna is admitted on interim bail, subject to furnishing personal bonds of Rs.50,000/- with one surety in the like amount.

Bail bonds and surety bonds furnished, which are accepted. Surety bonds are also attested. Application stands disposed of. Papers be attached with the main file.”

6. The very purpose of initiation of proclamation proceedings, is to compel and secure the presence of the accused to face trial and establish the rule of law, as also to ensure finalization of the proceedings.
7. Adverting to the facts of the present case, the reasons for non-appearance of the petitioner that led to the passing of the impugned order, appear to be justified. At times, the accused can be prevented by sufficient reasons to put an appearance before the Court and such an absence cannot necessarily be construed as deliberate and wilful.

However, it is incumbent upon him to join the proceedings, before the trial Court, for the culmination of the same. Considering the fact that the absence of the petitioner was not wilful or deliberate and in terms of orders dated 20.05.2022 and 31.10.2022, he has already surrendered before the trial Court and was granted bail, this Court finds that the ends of justice would be adequately met if the present petition is allowed.

8. In view of the afore-referred order and the facts and circumstances of the case, the impugned order dated 29.04.2022 is set aside. However, he is directed to furnish an undertaking by way of an affidavit that he will appear on each and every date of hearing before the trial Court, unless specifically exempted by the Court. He shall not leave the country without prior permission of the Court. The trial Court may impose any other condition that it may deem appropriate in the facts and circumstances of the present case.

9. Before parting with this order, it is made abundantly clear that in case the petitioner does not adhere to the aforesaid, the present petition shall be deemed to have been dismissed without any reference to this Court.

16.08.2023
ashok

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No