

2023:PHHC:064801

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

CRM-M-22692 of 2023

Date of Decision: May 05, 2023

Gurjant Singh ...Petitioner
Versus
State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

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

DEEPAK GUPTA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C., is to quash order dated 16.01.2023 (Annexure P.4) passed by learned Judicial Magistrate Ist Class, Moga, whereby bail of the petitioner was cancelled and bonds were forfeited in a complaint bearing No.32 of 2019 titled “Gurpreet Singh Vs. Amandeep Singh Gill”, which was instituted by respondent No.2 – Gurpreet Singh.

2. Contention of the petitioner is that the petitioner was earlier on bail. He was regularly appearing on each and every date of hearing. However, he could not appear on 16.01.2023 as he had gone to Australia on 03.01.2023 on visitor visa as he was not aware of the fact that permission of the Court was required.

3. Notice of motion.

4. Mr. R.S. Khaira, DAG, Punjab, accepts notice on behalf of the respondent- State. Mr. B.S. Bairagi, Advocate accepts notice on behalf of respondent No.2 and filed his vakalatnama.

5. Learned counsel for the respondents pointed out towards the conduct of the petitioner inasmuch as at the time when he had earlier

applied for bail, he had specifically undertaken that he shall not leave the country without prior permission of the Court. Even otherwise, this is one of the implicit condition of bail that in case of grant of bail, the person being granted bail shall not leave the country without prior permission of the Court. Case is now stated to be fixed for 13.05.2023.

6. Having noticed the aforesaid facts, at the same time also seeing the conduct of the petitioner, this petition is disposed of with a direction to the petitioner to surrender before the trial Court on or before 13.05.2023, the date already fixed thereat. However, this is subject to the cost of ₹25,000/-, which the petitioner has to pay to the opposite party, i.e. respondent No.2 – complainant by way of demand draft before the trial Court at the time of moving application of bail. On his such appearance, trial Court shall admit him to bail to its own satisfaction. In case any of these conditions is not fulfilled by the petitioner, this petition shall be deemed to be dismissed. The petitioner shall also surrender his passport before the trial Court.

May 05, 2023

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(DEEPAK GUPTA)

JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No