

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

122

CRM-M-22842-2023

Decided on : May 08, 2023

JASPAL SINGH

..... Petitioner

Versus

STATE OF PUNJAB

..... Respondent

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Jitender Singh Dadwal, Advocate
for the petitioner.

NAMIT KUMAR, J. (Oral)

This petition has been filed under Section 482 Cr.P.C. seeking quashing of order dated 27.10.2022 (Annexure P-3) passed by the court of learned Judicial Magistrate Ist Class, Ludhiana in case F.I.R. No.206 dated 28.12.2018, under Sections 61, 01, 14 of Punjab Excise Act, 1914, registered at Police Station Goraya, District Jalandhar (Rural) whereby bail bonds of the petitioner have been cancelled, forfeited and non-bailable warrants have been issued.

Learned counsel for the petitioner *inter alia* submits that the petitioner was granted regular bail in the abovesaid FIR, vide order dated 30.01.2019, passed by a Co-ordinate Bench of this Court in CRM-M-3541-2019 and since then, he was appearing regularly appearing before the trial court, however, he failed to appear on 27.10.2022 and resultantly, the impugned order was passed. He further submits that the petitioner met with an accident on 12.03.2022 and was admitted in KINGSWAY hospital at District Nagpur, Maharashtra and support the said contention, he has attached medical record

dated 30.03.2022 (Annexure P-2) of the petitioner. He further submits that due to this reason, the petitioner could not appear before the trial court on 12.09.2022 and the matter was adjourned to 27.10.2022 and on the said date, an application for exemption from personal appearance of the petitioner was moved, which was rejected by the trial court vide impugned order dated 27.10.2022 (Annexure P-3) with observations that the same was not supported by any medical record.

Notice of motion.

Mr. Adhiraj Singh, AAG, Punjab appearing on advance notice accepts the same on behalf of the State of Punjab and opposes the prayer made in the petition. He submits that non-appearance of the petitioner on 12.09.2022 and 27.10.2022 was intentional just to delay the trial proceedings.

Heard.

After, considering the facts and circumstances in totality and in view of the fact that the non-appearance of the petitioner before the trial court on 12.09.2022 and 27.10.2022 was for valid reasons, let the petitioner surrender before the trial court on 12.05.2023, the date already fixed before the trial court and on his surrender, the petitioner shall be released on bail on the bonds already furnished. However, the trial court would be at liberty to impose further conditions if deemed necessary to ensure the presence of the petitioner during the trial.

The petition is disposed of.

May 08, 2023
mkkoundal

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*