

CRM-M-25432 of 2023

2023:PHHC:077607

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

CRM-M-25432 of 2023

Date of decision: 24.05.2023

Tarsem Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Mr. G.S. Saini, Advocate,
for the petitioner.

Mr. Adhiraj Singh, AAG, Punjab.

NAMIT KUMAR, J.

1. This petition has been filed under Section 482 Cr.P.C. for quashing of impugned order dated 01.05.2023 (Annexure P-62) passed by the Court of learned Sessions Judge, Ferozepur, in case No.SC/68/2019 titled "State of Punjab v. Jaswinder Singh etc." arising from FIR No.0096 dated 10.07.2017 under Sections 452, 382, 323, 34 IPC and Section 25 of the Arms Act (Sections 379-B IPC added later on), registered at Police Station Makhu, District Ferozepur, vide which bail of the petitioner has been cancelled and his bail bonds and surety bonds have been forfeited to the State.

2. According to the prosecution, on 10.07.2017 at about 1.40 p.m., three unidentified persons entered into the clinic of the complainant and asked him to handover whatever he had, failing which he was threatened to be killed. However, complainant did not succumb

CRM-M-25432 of 2023

2023:PHHC:077607

to their threats as a result of which scuffle took place between the complainant and said persons. In the scuffle complainant suffered injury on the ring finger of his left hand. They took out Rs.35,000/- from the drawer of the table and ran away. However, they left their motorcycle TVS and magazine of a pistol at the spot. Petitioner was arrested in this case on 30.08.2019 and was granted the concession of regular bail by the Court of learned Additional Sessions Judge, Ferozepur, vide order dated 30.09.2019. However, he failed to appear before the trial Court, therefore, his bail was cancelled and after cancelling the bail bonds and surety bonds same have been forfeited to the State vide impugned order dated 01.05.2023 (Annexure P-62).

3. Learned counsel for the petitioner submitted that petitioner was regularly appearing before the trial Court, however, due to communication gap between the petitioner and his counsel, he could not appear before the trial Court on 01.05.2023 and his bail was cancelled and was ordered to be summoned through non-bailable warrants for 06.05.2023. He further submitted that trial Court has issued proclamation under Section 82 Cr.P.C. for 07.06.2023. He further submitted that petitioner is ready and willing to appear before the trial Court on each and every date. Therefore, the impugned order may be quashed.

4. *Per contra*, learned State counsel, appearing on receipt of advance copy of the petition, has submitted that impugned order is perfectly valid, therefore, present petition is liable to be dismissed. He has relied upon the judgment of this Court in ***Saurav Sehdev @ Sourav***

CRM-M-25432 of 2023

2023:PHHC:077607

***Sehdev and another v. State of Punjab and another, 2020(1)
R.C.R.(Criminal) 994.***

5. I have heard learned counsel for the parties and perused the record.

6. Perusal of file shows that petitioner also remained absent from Court proceedings on 04.02.2021, 26.05.2021, 22.07.2021, 26.08.2021, 28.09.2021, 07.02.2022 and 24.03.2022. Therefore, it cannot be said that his bail has been cancelled only on account of one default. The contention of learned counsel for the petitioner that due to communication gap between the petitioner and his counsel, petitioner could not appear before the trial Court is not worth-acceptance as it is the duty of the litigant/accused to remain vigilant about the status of his case and counsel cannot be blamed for the said lapse. Moreso, the conduct of the petitioner can be assessed from the aforementioned dates on which the petitioner did not appear without any valid reason.

7. This Court is of the view that petitioner voluntarily disengaged himself with the trial proceedings and has made a mockery of law. This Court is cognizant of the scope of Section 482 Cr.P.C. and in numerous judicial pronouncements, it has been held by various High Courts as well as the Hon'ble Supreme Court that the inherent powers are to be used sparingly and with circumspection and cannot be exercised in a routine manner, much less for the convenience of the accused. Since the petitioner is intentionally absenting himself from the Court proceedings without any valid explanation and in view of

CRM-M-25432 of 2023

2023:PHHC:077607

judgment of this Court in *Saurav Sehdev’s* case (supra), this Court does not find any illegality or perversity in the impugned order.

8. Therefore, keeping in view the peculiar facts and circumstances of the case and conduct of the petitioner, this Court is not inclined to invoke its jurisdiction under Section 482 Cr.P.C.

9. Petition stands dismissed.

24.05.2023
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether Reportable

:

Yes/No