

CRM-M-24295-2023

2023:PHHC:068993

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114 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-24295-2023

DATE OF DECISION:-12.05.2023

Kuldeep Singh @ Shehansha

...Petitioner.

VS.

State of Punjab

...Respondent..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Sumit Kalyan, Advocate,
for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

HARKESH MANUJA, J.

1. By way of present petition under Section 482 Cr.P.C., prayer has been made for quashing of order dated 11.11.2022 passed by the court of learned Judicial Magistrate Ist Class, Nabha, whereby bail bonds of the petitioner were cancelled, besides, forfeiture of surety bonds followed by issuance of non-bailable warrants against him.

2. The facts leading to the present case are that petitioner has been arrayed as an accused in FIR No.152, dated 27.05.2021, under Sections 379-B and 411 IPC, registered at Police Station Sadar Nabha, District Patiala City Malout, District Sri Muktsar Sahib for having snatched mobile phone from the complainant. The petitioner was released on bail vide order dated 22.07.2022 passed by the court of learned Judicial Magistrate Ist Class, Nabha. Thereafter, on 13.08.2022, petitioner got head injury and he was advised bed rest by the doctor, due to which, he could not appear before

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the trial court on 22.08.2022 as well as on 11.11.2022, resulting into cancellation of bail bonds and forfeiture of surety bonds, followed by issuance of non-bailable warrants against vide order dated 11.11.2022.

3. By way of present petition, impugning the order dated 11.11.2022, learned counsel for the petitioner submits that non-appearance of the petitioner on the date fixed before the trial court was wholly unintentional and on account of bonafide reasons. Learned counsel further submits that the petitioner is a law abiding citizen and has all respects for law and the courts and can never dare to challenge its Majesty.

4. Learned counsel for the petitioner also submits that the petitioner, if, given a chance, shall continue to appear before the court below in the proceedings pending against him, unless granted exemption specifically and categorically.

5. Notice of motion.

6. Mr. Amit Shukla, AAG, Punjab who is present in Court accepts notice on behalf of respondent-State and opposes the prayer while submitting that the only purpose of non-appearance of the petitioner before the trial court was to delay the proceedings. Moreover, the petitioner is habitual offender as there are 5 other cases registered against him and thus, he does not deserve the concession as prayed for.

7. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

8. As per learned counsel for the petitioner, on account of road accident being hospitalized and thereafter, advised bed rest by the doctors, the petitioner could not appear before the trial court, though, apparently, the

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reason appears to be far-fetched, however, keeping in view the interest of justice and the fact that the appearance of the petitioner shall be even in the interest of prosecution as well, he is afforded one chance to appear before the trial court and join the proceedings.

9. In view of the above, the petition is allowed. Order dated 11.11.2022 is set aside. Petitioner is directed to surrender before the trial Court within a period of 10 days from today and on his doing so, he shall be admitted to bail on his furnishing fresh bail bonds and surety bonds to its satisfaction. The petitioner shall continue to appear before the trial court, unless granted exemption specifically and categorically.

10. The aforesaid order shall, however, be subject to payment of costs of Rs.5,000/- to be deposited by the petitioner with the Punjab and Haryana High Court Bar Association within a period of seven days from today.

12.05.2023

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(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No