

(116)

2023:PHHC:070433

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

CRM-M-24821 of 2023

Date of Decision: May 16, 2023

Nishan Singh

...Petitioner

Versus

State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Naresh Kumar Manchanda, Advocate
for the petitioner.

DEEPAK GUPTA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C is to quash the impugned order dated 21.04.2023 (Annexure P.8) passed by learned Additional Sessions Judge, Moga, whereby bail of the petitioner has been cancelled and his presence has been directed to be procured by way of warrants of arrest in criminal complaint No.SC/032/2018 dated 05.03.2018 titled “Sukhdev Singh Vs. State of Punjab and others” (Annexure P.1) under Sections 452, 307, 323, 324, 427 IPC.

Learned counsel for the petitioner contends that the petitioner was on bail in that case. He could not appear on 10.01.2023 before the trial Court and the Court directed issuance of the notice to him for 03.03.2023. Notice was received back unserved and fresh notice was directed to be issued for 21.03.2023. Again notice was not received back and so, fresh notice was directed to be issued for 21.04.2023. Then on 21.04.2023, there is no reference in the order as to whether notice had been received back served or unserved but by marking absence of the petitioner, his bail was cancelled and bonds were forfeited.

CRM-M-24821 of 2023 -2- **2023:PHHC:070433**
Notice of motion to respondent No.1 only.

Mr. P.S. Pandher, AAG, Punjab, accepts notice on behalf of
respondent No.1.

Having regard to the facts and circumstances brought to
notice of this Court, petitioner is directed to surrender before the trial
Court on or before 22.05.2023, the date already fixed thereat. On his
such appearance, he shall be admitted to bail by the trial Court.
However, trial Court will be at liberty to serve notice under Section 446
Cr.P.C upon the petitioner. In case, the petitioner fails to surrender on or
before 22.05.2023, then this order will have no effect.

Disposed of.

May 16, 2023
renu

(DEEPAK GUPTA)
JUDGE

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