

CRM-M-27612-2023

2023:PHHC:078987
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114 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-27612-2023
DATE OF DECISION:-30.05.2023

Arshdeep Singh Randhawa

...Petitioner.

Vs.

State of Punjab

...Respondent..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Harmanjeet Singh Dhaliwal, Advocate for
Mr. Ramandeep Singh Gill, Advocate,
for the petitioner.

HARKESH MANUJA, J. (Oral)

1. By way of present petition filed under Section 482 Cr.P.C., prayer has been made for quashing of order dated 12.12.2022, whereby non-bailable warrants have been issued against the petitioner.

2. Having been implicated in FIR No.154, dated 23.07.2021, registered under Sections 420, 120-B and 506 IPC at Police Station Samrala, Khanna, the petitioner was released on default bail vide order dated 30.09.2021 and has been regularly appearing thereafter, before the trial court. On 17.05.2022, the surety of the petitioner withdrew his surety without informing him. Thereafter, on 19.07.2022, the petitioner could not appear before the court, as such, notice was issued to him for 23.09.2022. But on 23.09.2022 despite service, the petitioner could not appear before the trial court, resulting into issuance of non-bailable warrants against him for 12.12.2022, on which date, he could not present himself before the trial court, resulting into issuance of fresh non-bailable warrants against him.

3. Learned counsel for the petitioner submits that the reason for non-appearance of the petitioner on the date fixed before the trial court was neither willful nor intentional but was on account of some miscommunication between the petitioner and his counsel, who never informed him about the date of hearing. He further submits that the petitioner is a law abiding citizen and has all respects for law as well as the courts and can never dare to avoid the court proceedings. Furthermore, he 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.

4. Notice of motion.

5. 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 petitioner has been deliberately avoiding the court proceedings having failed to appear before the trial court on three different hearings/occasions.

6. I have heard learned counsel for the parties and gone through the paper book. Though, I do not see any justifiable reason for the non-appearance of the petitioner before the trial court as even in case of miscommunication with his counsel, he was duty bound to make necessary inquiries about the court proceedings and the date of hearing, however, under the given circumstance, the cause cannot be termed to be a result of gross negligence on his part, although, the same can be termed to be his callous act.

7. In view of the discussion made herein above, the present petition is allowed and impugned order dated 12.12.2022 is set aside. Petitioner is

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directed to surrender before the trial Court within a period of two weeks 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 also continue to appear before the trial court, unless granted exemption specifically and categorically.

9. The aforesaid order shall, however, be subject to payment of costs of Rs.10,000/- to be deposited by the petitioner with the Punjab Legal Services Authority within a period of four weeks from today.

30.05.2023
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(HARKESH MANUJA)
JUDGE

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