

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(119)

2023:PHHC:077001
CRM-M-27147-2023
Date of Decision: 26.05.2023

Mohd. Iqbal @ Zaila

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. Abdul Aziz, Advocate for the petitioner.

RAJESH BHARDWAJ.J (Oral)

The present petition has been filed under 482 Cr.P.C praying for quashing the impugned order dated 10.4.2023 passed by the learned Addl. Sessions Judge, Sangrur, whereby petitioner has been declared Proclaimed Offender as also for quashing of order dated 27.10.2022 vide which bail/surety bonds of the petitioner were forfeited in case bearing no. SC/193/2021 titled as State Vs. Mohd. Dilshad @ Jaura Etc. in FIR No.2 dated 5.1.2021 registered under sections 399, 402, 411, 414 IPC at Police Station, City-I, Malerkotla.

Learned counsel for the petitioner submits that though the petitioner was aware about the date fixed before the Trial Court, however, due to ill health of his wife he had to take her to hospital and he could not appear before the court on the date fixed. Counsel submits that petitioner has never misused the concession of bail granted to him by the learned Trial Court, however, his absence on 27.10.2022 was totally unintentional and for bonafide reason. Counsel further submits that petitioner would be cautious enough in the future and would abide by the terms and conditions of the bail granted to him. He is keen to join the proceedings.

Notice of motion.

On the asking of the Court, Mr. Sandeep Kumar, D.A.G., Punjab accepts notice on behalf of respondent-State.

After hearing counsel for the parties and perusing the record, this court finds that the petitioner had been regularly appearing before the Trial Court on all the dates, however, on 27.10.2022 he remained absent which he explained to be because of ill health of his wife.

In view of the above position, the impugned order dated 27.10.2022 as well as order dated 10.4.2023 are set aside subject to payment of Rs.10,000/- as costs to be deposited with the Poor Patients' Welfare Fund, P.G.I.M.E.R., Chandigarh by the petitioner within one week from today. In case petitioner appears before the Trial Court and files an appropriate application for bail along with receipt of above said costs within 10 days, then the court concerned shall admit him to bail subject to his furnishing fresh bail/surety bonds to its satisfaction. Petitioner will have protection from arrest for a period of 10 days from today.

In case the petitioner fails to comply with the above directions, the interim protection granted to him by this court today would be of no avail to him and order dated 27.10.2022 will come in force.

Petition is disposed of in the above terms.

(RAJESH BHARDWAJ)
JUDGE

26.05.2023

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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No