

2023:PHHC:080879

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

CRM-M-29269-2023

Date of Decision: 02.06.2023

LOVELY

... PETITIONER

VS.

STATE OF PUNJAB

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Ravi Malhotra, Advocate, for the petitioner.
Mr. Hittan Nehra, Additional Advocate General, Punjab.

VIVEK PURI, J.(ORAL)

1. The petitioner has assailed the order dated 24.11.2022 passed by the Court of learned trial Court vide which the bail order of the petitioner has been cancelled, bail bonds and surety bonds have been forfeited to the State, warrants of arrest of the petitioner and notice to the surety have been issued.

2. Learned counsel for the petitioner contends that the petitioner has been arraigned as an accused in the case bearing FIR No. 19 dated 18.01.2019 under Section 379-B IPC registered at Police Station Salem Tabri, District Police Commissionerate Ludhiana. At the earlier instance, the petitioner was granted regular bail in terms of the order dated 12.03.2019 passed by the Court of learned Additional Sessions Judge, Ludhiana. The petitioner had been regularly appearing in the trial Court. The petitioner had absented from the proceedings on 24.11.2022 which resulted in passing of the impugned order. The reason assigned for non-appearance is to the effect that the petitioner had noted down wrong date of hearing. The next date of hearing in the trial Court is stated to be 12.07.2023. The petitioner undertakes to surrender before the trial Court and face the trial.

3. Notice of motion.

4. Mr. Hittan Nehra, Additional Advocate General, Punjab, accepts notice on behalf of the respondent-State and contends that appropriate directions may be issued to ensure the presence of the petitioner in the trial Court.

5. The petition is disposed of with a direction that the petitioner shall surrender before the trial Court on or before 12.07.2023 and shall move an application for bail. The arrest of the petitioner shall remain stayed till disposal of the bail application and also for a period of 15 days thereafter in the event the bail application is dismissed. This order is without prejudice to the proceedings under Section 446 Cr.P.C. that may be initiated against the petitioner and the surety. Furthermore, the petitioner is burdened with the cost of Rs.5,000/- to be deposited in District Legal Service Authority, Ludhiana and receipt/copy with regard to the deposit of the said amount shall also be submitted by the petitioner in the trial Court at the time of his surrender.

02.06.2023
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(VIVEK PURI)
JUDGE

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