

CRM-M-33253-2023

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2023:PHHC:088101

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-33253-2023

Date of decision:14.07.2023

Chamkaur Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Chandan Singh Rana, Advocate
for the petitioner.

SUVIR SEHGAL, J. (Oral)

1. By way of present petition filed under Section 482 Cr.PC, the petitioner has approached this Court for quashing of the order dated 17.04.2023 (Annexure P-4) passed by the learned Additional Sessions Judge, Ludhiana, whereby, petitioner's bail and surety bonds have been cancelled and forfeited to the State and non-bailable warrants have been issued for his arrest.

2. Counsel for the petitioner submits that petitioner is named as accused in FIR No.44 dated 20.01.2018 lodged for offences under Sections 379-B and 34 IPC, at Police Station Sadar Jagraon, District Ludhiana. He submits that vide order dated 16.08.2018, petitioner was released on regular bail. Counsel submits that due to default in appearance before the trial Court in April, 2022, his bail bonds were cancelled and non-bailable warrants were issued to secure his presence. He submits that the order was challenged and

this Court by judgment dated 25.07.2022 (Annexure P-2), set it aside and directed the petitioner to appear before the trial Court. Counsel submits that the present default in appearance before the trial Court has occurred because the petitioner inadvertently noted a wrong date. Counsel submits that petitioner is prepared to appear before the trial Court and join the proceedings and he is ready to bear cost of Rs.10,000/-.

3. Notice of motion.

4. On asking of the Court, Mr. A.P.S.Tung, DAG, Punjab accepts notice on behalf of respondent-State. Upon instructions from ASI Paramjit Singh, State counsel submits that the petitioner is habitual thief and has been convicted twice for offence under Section 379-B IPC and has a conviction under the NDPS Act. He submits that petitioner does not deserve any leniency.

5. Having heard counsel for the parties, this Court is of the view that as the reason for non-appearance given by the petitioner seems to be plausible, he deserves to be given yet another opportunity to appear before the trial Court and join the proceedings.

6. In view of the above, impugned order dated 17.04.2023 (Annexure P-4) is set aside subject to the condition that petitioner surrenders before the trial Court within a fortnight from today and joins the proceedings. He shall deposit the cost of Rs.10,000/- with the Punjab and Haryana High Court Bar Association (Benevolent) Fund and furnish a receipt of deposit before the trial Court.

7. Petition is disposed of.

July 14, 2023
savita

(SUVIR SEHGAL)
JUDGE

<i>Whether Speaking/Reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>