

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

120

CRM-M-34274-2023 (O&M)
Date of decision: 19.07.2023

Hardeep Singh @ Heepa

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

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

Mr. A.P.S. Tung, DAG, Punjab.

SUVIR SEHGAL, J. (ORAL)**CRM-29092-2023**

Application for exemption from filing the certified copy of Annexures P-1 to P-5, is allowed.

CRM-M-34274-2023

1. Instant petition has been filed under Section 482 Cr.PC for quashing of the order dated 15.05.2023 (Annexure P-5) whereby on account of non-appearance of the petitioner-accused, his bail, bail bonds and surety bonds have been cancelled and forfeited to the State.

2. Counsel for the petitioner submits that the petitioner has been made an accused in FIR No.119 dated 09.08.2021 for offence under Section 379 IPC and Section 207 of Motor Vehicles Act, 1986 which was added later on, registered at Police Station Amargarh, District Malerkotla (Annexure P-1) and was released on regular bail vide order dated 04.10.2021 (Annexure P-2). He submits that the challan was presented and charges have been framed but during the prosecution evidence petitioner could not appear before the trial

Court on one occasion as he was down with fever and by virtue of impugned

order, bail has been cancelled and coercive action has been initiated. Counsel submits that the proceedings before the trial Court, are now fixed for 23.08.2023 and non-bailable warrant has been issued for his appearance. He submits that the petitioner is prepared to join the proceedings as well as deposit the cost of Rs.10,000/- as directed by this Court.

3. Notice of motion.

4. On asking of the Court, Mr. A.P.S. Tung, DAG, Punjab accepts notice on behalf of the respondent-State.

5. Counsel for the parties have been heard.

6. Considering that the default by the petitioner was probably due to a genuine reason and his offer to join the proceedings seems sanguine, this Court deems it appropriate to set aside the impugned order.

7. **Accordingly, petition is allowed.** Impugned order dated 15.05.2023 (Annexure P-5) is set aside on the condition that the petitioner surrenders before the trial Court within a fortnight from today. In case, he does so, he shall be released on bail on furnishing fresh bail and surety bonds to the satisfaction of the Magistrate concerned subject to the condition that he shall deposit Rs.10,000/- as cost with the Poor Patient Welfare Fund, PGIMER, Chandigarh. Deposit of costs of Rs.10,000/- shall be a pre-condition for the release of the petitioner on bail. In case, petitioner fails to comply with any of the conditions specified above, this petition shall be deemed to have been dismissed.

19.07.2023

Parveen kumar

(SUVIR SEHGAL)
JUDGE

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