

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

121

CRM-M-36385-2023

Date of Decision: 07.08.2023

Baljinder Singh @ Rock

....Petitioner

V/s

State of Punjab

....Respondent

**CORAM: HON'BLE MR. JUSTICE VIKAS SURI**

Present: Mr. Chandan Singh Rana, Advocate, and  
Ms. Sonia Parmar Rana, Advocate, for the petitioner.  
Mr. Sanish Girdhar, AAG, Punjab.

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**VIKAS SURI, J. (Oral)**

1. This is a petition under Section 482 Cr.P.C for quashing of order dated 15.04.2023 (Annexure P-5), whereby petitioner's bail was cancelled and bail bonds/surety were ordered to be forfeited to the State in case FIR No.32, dated 18.02.2020, under Sections 307, 323, 506, 148, 149 IPC and Sections 25/54/59 of the Arms Act, registered at Police Station Jodhewal, District Ludhiana.
2. Learned counsel for the petitioner submits that petitioner was arrested in the above mentioned case and was finally granted regular bail by this Court on 03.03.2023 (Annexure P-3). The petitioner furnished requisite bonds and surety before the Court concerned and remained present for the following date, i.e. 27.03.2023. On the said date, petitioner noted the next date as 15.05.2023 instead of 15.04.2023. When the petitioner went to

attend the hearing on 15.05.2023, it transpired that his bail order was cancelled vide order dated 15.04.2023. Learned counsel submits that absence of the petitioner from the Court was totally unintentional. Non-bailable warrants were issued to secure the presence of the petitioner and the case is now fixed for 13.09.2023. The petitioner is ready to appear before the trial Court and abide by all the terms and conditions imposed by the Court. He submits that the petitioner is keen to join the proceedings and volunteers to deposit a sum of Rs.10,000/- for any social cause to benefit the society at large.

3. Notice of motion.

4. Mr. Sanish Girdhar, AAG, Punjab, accepts notice on behalf of the respondent-State and waives service. Learned State counsel has opposed the present petition and submits that the trial Court has rightly cancelled the bail of the petitioner, who failed to appear before the Court on the date fixed.

5. I have heard learned counsel for the parties and considered the submissions noticed above.

6. Keeping in view the fact that the reason for absence of the petitioner is not intentional and he is keen to join the proceedings, no useful purpose would be served by sending him behind bars. Rather it will be appropriate if he is allowed to join the proceedings.

7. The petitioner has not appeared before the Court below on 15.04.2023 as he noted a wrong date. Petitioner had surrendered before the Court concerned and submitted requisite bonds on the previous date in compliance to the order dated 03.03.2023 passed by this Court, cannot be lost sight of.

8. In light of the above discussion and the fact that petitioner is keen to join proceedings, the instant petition is disposed of with a direction to the petitioner to deposit an amount of Rs.10,000/- with ‘Ajit Singh Police Welfare Fund’, Account No.12171450000081, RTGS/NEFT IFSC:HDFC0001217, HDFC Bank, Sector-8, Chandigarh-160015, within a period of ten days from today and surrender before the Court concerned on or before 18.08.2023.

9. In case, petitioner surrenders before the Court concerned and moves an appropriate application for bail along with receipt of costs aforesaid, he be enlarged on bail, subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate. To enable the petitioner to put in appearance before the Court below, his arrest pursuant to the order dated 15.04.2023 (Annexure P-5) and its subsequent proceedings, shall remain stayed till 18.08.2023.

10. Needless to say that in case petitioner fails to comply with the abovesaid direction, he will have no benefit of above said protection granted by this Court and order under challenge dated 15.04.2023 (Annexure P-5) along with subsequent proceedings would come in force.

August 07, 2023  
vcgarg

(VIKAS SURI)  
JUDGE

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|---------------------------|-----|
| Whether speaking/reasoned | Yes |
| Whether reportable        | No  |