

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

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CRM-M-38574-2023 (O&M)

Date of decision: 07.08.2023

Jagpreet Singh Alias Jagga

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Prince Sharma, Advocate for the petitioner

Mr. Manipal Singh Atwal, DAG Punjab

AMAN CHAUDHARY. J.

1. The present petition under Section 482 of the Cr.P.C. has been filed for quashing the impugned order dated 05.06.2023, Annexure P-4, passed by learned Additional District and Sessions Judge, Amritsar, whereby the bail order of the petitioner was cancelled and bail bonds and surety bonds were forfeited to the State.

2. Learned counsel submits that the petitioner had been granted regular bail by this Court vide order dated 08.12.2022, Annexure P-3, whereafter for the last 7 months he had been regularly appearing before the trial Court but for 12.06.2023, wherein he had absented on account of the mistake regarding date as intimated by the Clerk of his counsel. He, however, submits that the absence was neither willful nor deliberate and was on account of the reason aforesaid. He further submits that the petitioner is ready and willing to join the proceedings, and prays that one opportunity may be granted for the petitioner to surrender before the learned trial Court, which may even be, subject to payment of costs. Reliance

is placed upon the orders of this Court in CRM-M-38277-2022 dated 26.08.2022 titled as **Surjit Singh Vs. State of Punjab**; CRM-M-39000-2022, titled as **Raghav vs. State of Punjab** decided on 9.9.2022 and CRM-M-36490-2022, **Major Singh vs. State of Punjab**, decided on 15.9.2022.

3. The learned counsel further prays that he be allowed to remain on the same bail bonds and surety bonds, which had already been submitted by him before the learned trial Court. He also relies on the judgment passed by a Coordinate Bench of this Court in “**Nitin Monga vs. State of Punjab and another**”, reported in 2017 (2) L.A.R. 342 and **Paramjit Singh @ Pammi vs. State of Haryana** 2021(4) PLR 470, wherein also the petitioner therein had been granted bail on the earlier bail bonds furnished by him before the trial court.

4. Notice of motion.

5. Mr. Manipal Singh Atwal, DAG Punjab who has appeared on receipt of advance copy of the petition, opposes the petition by submitting that the impugned order is legal and valid and has been rightly passed by the learned trial Court on account of non-appearance of the petitioner.

6. Heard.

7. The order of non-bailable warrants was passed on 05.06.2023 for 19.08.2023. The present petition has been filed on 03.08.2023, which shows the bona fide of the petitioner to appear before the trial Court and join proceedings.

8. The very purpose of issuance of non-bailable warrants, is to compel and secure the presence of the accused to face trial and establish the rule of law, as also to ensure finalization of the proceedings.

9. Adverting to the facts of the present case that on account of noting down of wrong date, thus, he could not appear before the trial Court appears to be

justified explanation. At times, the accused can be prevented by sufficient reasons to put an appearance before the Court on a given date and every such absence cannot necessarily be construed as deliberate and wilful. However, it is incumbent upon him to join the proceedings, before the trial Court, for the culmination of the same. Considering the fact that the absence of the petitioner being not wilful or deliberate and his readiness and willingness to surrender and join the proceedings, in case one opportunity is granted to the petitioner, no prejudice shall be caused to any of the parties, rather his joining the proceedings would help expediting the trial. Thus, in order to make the ends of justice met and finding judgments referred to above being applicable to the instant case, the present petition deserves to be allowed.

10. In view of afore-referred orders and the facts and circumstances of this case, the petitioner is directed to surrender before the trial Court on or before 19.08.2023 and deposit Rs.10,000/- with the District and Bar Association, Amritsar. The petitioner be allowed to remain on the same bail/ surety bonds as has been furnished by him at the time for granting regular bail, in view of the orders in the cases of **Nitin Monga, Paramjit Singh @ Pammi** as well as **Raghav** (supra). On so doing, the trial Court shall release him on bail subject to its satisfaction. He is also directed to furnish an undertaking by way of an affidavit that he will appear on each and every date of hearing before the trial Court, unless specifically exempted by the Court. He shall also surrender his passport and will not leave the country without prior permission of the Court and the trial Court may impose any other condition that it may deem appropriate in the facts and circumstances of the present case.

11. Before parting with this order, it is made abundantly clear that in case

the petitioner does not adhere to the aforesaid, the present petition shall be deemed to have been dismissed without any reference to this Court.

(AMAN CHAUDHARY)
JUDGE

07.08.2023

S.Sharma(syr)

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