

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

294

CRM-M-39643-2023 (O&M)
Date of decision: 19.09.2023

KULWINDER JIT

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. R.D. Rattewal, Advocate for the petitioner.

Mr. Anmol Singh Sandhu, AAG Punjab.

SANJIV BERRY. J. (Oral)

The present petition under Section 482 Cr.P.C. is preferred seeking quashing of the impugned order dated 10.07.2023 (Annexure P-1), passed by learned Sessions Judge, Hoshiarpur, whereby the bail order of the petitioner was cancelled and his bail/surety bonds were forfeited to the State in case FIR No.166 dated 26.12.2016 (Annexure P-2) registered under Sections 279, 304-A and 427 IPC at Police Station Garhshankar, District Hoshiarpur.

2. It is submitted by learned counsel for the petitioner that in compliance of the order dated 11.08.2023, passed by this Court, the petitioner has appeared before the Court of learned Sessions Judge, Hoshiarpur and furnished his bail bonds. He has also placed on record a copy of the order dated 25.08.2023 passed by learned Sessions Judge, Hoshiarpur in this context, which is taken on record.

3. Learned State counsel has not disputed the fact that the petitioner has joined the trial in pursuance to the order dated 11.08.2023.

4. It is the case put forth by the petitioner that 10.07.2023 when the case

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was fixed for trial in the Court of learned Sessions Judge, Hoshiarpur, neither the petitioner nor his counsel could appear in the Court due to heavy rain as most part of the State being flooded. He submits that due to heavy rain, many roads of the district were flooded on that date due to which the petitioner could not appear in the Court and absence of the petitioner on that day before the learned trial Court was not intentional but due to reason beyond his control. It is not disputed that on 10.07.2023, there were unprecedented rain and many parts of the State were flooded, therefore, in such circumstances the absence of the petitioner from appearance before trial Court could not be attributed as intentional on his part but due to reason beyond his control.

5. As stated above, the petitioner has already appeared before the trial Court in pursuance of interim direction passed by this Court on 11.08.2023 and considering the fact that the absence of the petitioner on 10.07.2023 before the learned trial Court leading to passing of the impugned order dated 10.07.2023 (Annexure P-1) was not intentional but due to the reason beyond his control. Therefore, keeping in view the facts and circumstances the interim bail granted vide order dated 11.08.2023 is hereby confirmed and the impugned order dated 10.07.2023 (Annexure P-1) is hereby set aside.

(SANJIV BERRY)
JUDGE

19.09.2023
S.Sharma(syr)

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