

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

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CRM-M-42914-2023

Date of decision: 29.08.2023

Manjit Singh

....Petitioner

Versus

Sneh

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Naveen Bawa, Advocate, for the petitioner

AMAN CHAUDHARY. J.

1. The present petition has been filed under Section 482 Cr.P.C. for quashing of order dated 09.05.2022, Annexure P-5, passed by learned Additional Sessions Judge, Ludhiana, whereby the bail of the petitioner stands cancelled and his bail and surety bonds were forfeited to the State.

2. Learned counsel contends that the petitioner had been granted suspension of sentence by the trial Court vide order dated 03.03.2020, Annexure P-2. The petitioner continued to appear regularly before the trial Court except on 09.05.2022, which was on account of the fact of communication gap between the petitioner and his counsel with regard to date of hearing. On the same day, his bail and surety bonds were cancelled and forfeited to the State. Non-bailable warrants were issued for 02.08.2022. The absence of the petitioner was neither wilful nor deliberate and on account of the reason aforesaid. Further that he is ready and willing to join the proceedings and restricts his prayer in the present petition only regards to grant of one opportunity to him to surrender before the

learned trial Court even if the same is subject to costs. Reliance is placed on the orders of this Court in CRM-M-38277-2022 dated 26.08.2022, in the case of **Surjit Singh vs. State of Punjab**, CRM-M-39000-2022, titled as **Raghav vs. State of Punjab**, decided on 09.09.2022 and CRM-M-36490-2022, titled as **Major Singh vs. State of Punjab**, decided on 15.9.2022.

3. No order prejudicial to the rights of the private respondent is being proposed to be passed by this Court, thus, there is no requirement for the notice to be issued to him.

4. Heard.

5. The very purpose of initiation of proclamation proceedings, 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.

6. Adverting to the facts of the present case, the reasons for non-appearance of the petitioner that led to the passing of the impugned order, appear to be justified. At times, the accused can be prevented by sufficient reasons to put an appearance before the Court and such an absence cannot necessarily be construed as deliberate and wilful. However, it is incumbent up on him to join the proceedings, before the trial Court, for the culmination of the same. Considering the fact that the absence of the petitioner was 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 in expediting the trial. Thus, in order to make the ends of justice meet and finding judgments referred to above being applicable to the instant case, the present petition deserves to be allowed.

7. In view of the afore-referred orders and the facts and circumstances

of the case, the impugned order dated 09.05.2023, Annexure P-5 is set aside subject to surrender by the petitioner before the trial Court on or before 04.09.2023 subject to costs of Rs.5,000/- to be deposited with the trial Court, which will forthwith be disbursed to the complainant. On furnishing bail/surety bonds, 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 not leave the country without prior permission of the Court. The trial Court may impose any other condition that it may deem appropriate in the facts and circumstances of the present case.

8. 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

29.08.2023
Ankur

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No