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2023 : PHHC : 118240

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-44623-2023

Date of Decision: 11.09.2023

SALEEM KHAN @ BABBU KHAN
V/S

... PETITIONER

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sunny K. Singla, Advocate for the petitioner.
Ms. Ruchika Sabherwal, DAG Punjab.

* * *

VIVEK PURI, J. (ORAL)

1. Petitioner is seeking to quash the impugned order dated 06.07.2023 passed by the Court of learned Judicial Magistrate First Class, Malerkotla in the case bearing FIR No. 135 dated 08.12.2022 under Sections 342, 354A, 323, 149 IPC (Section 420 IPC added later on) registered at Police Station Sandaur, District Malerkotla vide which his bail order was cancelled, bail bonds and surety bonds have been cancelled and forfeited to the State and the petitioner has been ordered to be summonsed through non-bailable warrants.

2. Learned counsel for the petitioner contends that in terms of the order dated 24.02.2023, passed by the Court of learned Addl. Sessions Judge, the petitioner was granted anticipatory bail. On 06.07.2023, the case was fixed in the trial Court for framing of the charge. However, the petitioner could not put appearance on account of noting down incorrect date, the next date of hearing in the trial Court is 16.09.2023 and the petitioner undertakes to surrender in the trial Court on the date fixed.

3. Learned counsel for the petitioner has restricted his prayer only to the extent that meanwhile, he may be protected.

4. Notice of motion.

5. Ms. Ruchika Sabherwal, DAG Punjab accepts notice on behalf of the State and submits that appropriate directions may be issued to the petitioner to ensure his presence and participation during the course of proceedings in the trial Court.

6. In these set of circumstances, the petition is disposed of with a direction that the petitioner shall surrender before the learned trial Court on or before 16.09.2023 and shall move an application for regular bail which be disposed of by the learned trial Court in accordance with law. Furthermore, it is directed that in the event, the petitioner surrenders before the trial Court and moves an application for regular bail on or before 16.09.2023, his arrest be not effected till the disposal of the bail application and for a period of 15 days thereafter, in the event the bail application is dismissed. This order is further subject to the condition that the petitioner shall deposit costs to the tune of Rs. 5,000/- with the District Legal Services Authority, Sangrur and the receipt thereof shall be submitted in the trial Court at the time of surrender and moving the application for bail.

7. This order is also without prejudice to the proceedings under Section 446 Cr.P.C. that may be initiated against the petitioner and the surety.

11.09.2023

Janki

(VIVEK PURI)
JUDGE

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