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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM-M-46170-2023 (O&M)**
Date of decision: 14.09.2023

Sandeep Goyal

...Petitioner

VS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:-** Mr.Kanwar Abhay Singh, Advocate,
for the petitioner.

Mr. Dhruv Dayal, Additional AG Punjab.

ARUN MONGA, J. (ORAL)

Present petition has been filed under Section 482 Cr.P.C. for setting aside the order dated 13.06.2023 Annexure P-10, passed by the learned Judicial Magistrate, Ludhiana, in FIR No.184 dated 16.07.2021 Annexure P-1, registered under Section 457, 380 and 411 of the IPC, at Police Station Salem Tabri, District Police Commissionerate, Ludhiana, whereby the bail granted to the petitioner has been cancelled and his bail and surety bonds have been forfeited to the State and his non-bailable warrants have been ordered to be issued. He further seek restoration of his bail orders.

2. Learned counsel for the petitioner submits that petitioner was arrested by the investigation agency on 29.07.2021 in the FIR in question. He was admitted to bail vide order dated 04.08.2021 Annexure P-2, on furnishing the bail bonds in sum of Rs.50,000/-, with one surety in the like amount.

2.1. He further submits that the petitioner has been appearing before learned trial Court, regularly, as is reflected the orders dated 30.09.2022, 15.10.2022, 24.11.2022, 12.01.2023, 10.03.2023 and 24.04.2023 (Annexure P-3 to P-8 respectively), passed by learned JMJC, Ludhiana.

2.2. He next submits that on 13.06.2023, the petitioner filed an application for exemption from personal appearance on account of some personal difficulty. Unfortunately, the office of the counsel for petitioner before learned trial Court, made an inadvertent clerical mistake in the said exemption application dated 13.06.2023 Annexure P-9, whereby the petitioner's name was wrongly mentioned as Akash @ Sandeep Goyal instead of Sandeep Goyal.

2.3 Learned trial Court acknowledging the exemption application dated 13.06.2023 (Annexure P-9), passed the impugned order dated 13.06.2023 Annexure P-10, whereby exemption was granted from appearance to the co-accused i.e. Akash Kumar @ Patel, while petitioner was marked absent and his bail orders were cancelled and his bail bonds and surety bonds forfeited in favour of State and his non-bailable warrants of arrest against were also issued.

2.4 He further submits that application dated 13.06.2023 Annexure P-9, moved in the name of co-accused Akash Kumar is only a clerical mistake, for which petitioner should not be put to suffer.

2.5. Learned counsel for the petitioner next submits that thereafter his application dated 08.08.2023 Annexure P-11, for grant of anticipatory bail, filed before learned Additional Session Judge, Ludhiana, was also dismissed vide order dated 19.08.2023 Annexure P-12. Hence, the present petition.

3. Notice of motion.

4. On the asking of Court, learned State counsel accepts notice and vehemently opposes the petition.

5. I have heard learned counsel for the parties and gone through the case file.

6. Petitioner was admitted to bail vide order dated 04.08.2021 Annexure P-2 and since then he had been regularly appearing before the trial Court. It is submitted that on 13.06.2023 the bail of petitioner was cancelled due to an inadvertent clerical mistake on the part of counsel before the trial Court who wrongly mentioned the name of petitioner-Sandeep Kumar as Akash Kumar alias Sandeep Goyal in exemption

application. There seems substance in the submission. It is settled position in law that a party should not be made to suffer due to fault of his counsel.

7. Cancellation of bail is a serious matter and can have significant impact on the life of a person. Matters of personal liberty ought not to be taken so lightly and in such mechanical manner as in the case herein.

8. In the premise, impugned order is set aside. Earlier bail order stands revived on bail bond and surety bond already furnished by petitioner before learned trial Court. Petitioner is directed to join proceedings before learned trial Court within four weeks from today and shall continue to appear before learned trial Court without default.

9. Petition is accordingly allowed.

10. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

14.09.2023
Jyoti Thakur

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