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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-48605-2022 (O&M)
Date of decision :28.02.2023

AJAY

... PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Nakul Sharma, Advocate
for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

HARKESH MANUJA, J. (ORAL)

By way of the present petition filed under Section 482 Cr.P.C. prayer has been made for quashing of the order dated 14.09.2022 passed by the Court of Additional Sessions Judge, Ferozepur, whereby an application filed by the petitioner for extension of time to appear before the learned Trial Court, as ordered by the Court of Additional Sessions Judge, Ferozepur on 21.01.2020, was dismissed. During the continuation of trial, arising out of FIR No. 153 dated 11.07.2017 registered under Sections 420, 465, 467, 468, 471, 120-B IPC at Police Station City Zira, the petitioner was summoned as an additional accused vide order dated 08.08.2019. In pursuance thereof, the petitioner applied for grant of anticipatory bail and the same was allowed on 21.01.2020, by learned Additional Sessions Judge, Ferozepur directing the petitioner to appear before the trial Court and furnish his bail bonds/surety bonds on the next date of hearing, however, since the petitioner could not surrender before the trial Court on the date fixed, non bailable warrants were issued against him vide order dated 14.09.2022, which has

been assailed by way of present petition.

On 18.11.2022, a Co-ordinate Bench of this Court passed the following order:-

“The petitioner assails order dated 14.9.2022 (Annexure P-5) passed by learned Additional Sessions Judge, Ferozepur vide which an application filed by him seeking extension of time so as to surrender before the trial Court as had been directed vide order dated 21.1.2020 (Annexure P-2) passed by learned Additional Sessions Judge, Ferozepur, has been declined.

A few facts necessary to notice are that the petitioner was summoned by the trial Court with the aid of Section 319 Cr.P.C. vide order dated 8.8.2019 passed by the Court of learned Judicial Magistrate 1st Class, Zira, in respect of FIR No. 153, dated 11.7.2017, Police Station City Zira, under Sections 420, 465, 467, 468, 471, 120-B IPC.

The petitioner apprehending his arrest moved an application seeking grant of anticipatory bail which was accepted by the Sessions Court vide order dated 21.1.2020 (Annexure P-2) wherein the petitioner was directed to surrender before the trial Court on the next date fixed before the trial Court and to furnish bail bonds. However, since the petitioner did not surrender thereafter, the trial Court issued non bailable warrants which also remained unexecuted and the matter is now fixed for 19.12.2022 before the trial Court.

Learned counsel submits that he could not appear before the trial Court at Zira pursuant to order dated 21.1.2020 (Annexure P-2) as Covid had set in and he was serving in Indian Navy and was posted in Visakhapatnam where he is still posted.

Learned counsel has submitted that the petitioner has a clean record and had no intention whatsoever to avoid the proceedings of the Court and that in these circumstances he may be permitted to appear before the trial Court and that the impugned orders vide which non bailable warrants had been issued may be withdrawn.

Notice of motion for 28.2.2023.

The petitioner is directed to appear before the learned trial Court within two weeks from today. The trial Court shall release him on interim bail subject to his furnishing bail bonds and surety bonds to its satisfaction.

The coercive process issued against the petitioner for securing his presence i.e. non bailable warrants shall be kept in abeyance.”

In pursuance thereof, the petitioner appeared before the trial Court on 25.11.2022 and submitted his bail bonds/surety bonds and was thus released on bail. The order dated 25.11.2022 passed by the Court of JMJC, Zira is reproduced

hereunder:-

“File taken up today as accused Ajay appeared and filed an application for releasing him on bail . Along with application above said applicant has produced a downloaded copy of order dated 18.11.2022 passed by the Hon'ble Punjab and Haryana High Court in CRM-M 43240-2022 . In compliance of above said order dated 18.11.2022 accused Ajay is ordered to be released on bail subject to furnishing bail bonds in the sum of Rs . 15,000 / with one surety in the like amount.

Necessary bail bonds have been furnished, which are accepted and attested. Process, against accused Ajay, if issued, be recalled immediately.”

In view of the above facts and circumstances and the petitioner having surrendered before the trial Court and upon furnishing bail bonds/surety bonds, released on bail, the impugned order dated 14.09.2022 passed by the Court of Ld. Additional Sessions Judge, Ferozepur, loses its significance and is thus quashed.

In view thereof, the present petition is allowed and the interim bail granted by this Court vide order dated 18.11.2022 is made absolute.

February 28, 2023
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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No