

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

126

CRM-M-47811-2023

Date of decision: 21.09.2023

Ranjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Munish Gulati, 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 23.11.2022 vide which bail bonds of the petitioner has been forfeited by Additional Sessions Judge, Ferozepur in case FIR No.12, dated 27.02.2019, registered under Sections 307, 427, 506, 148 and 149 IPC and Sections 25 and 27 of Arms Act, 1959 at Police Station Mallanwala, District Ferozepur.

2. Learned counsel contends that the petitioner had been granted regular bail by the trial Court vide order dated 27.11.2019, whereafter, he was unable to appear on 15.07.2022. Consequently, his bail was cancelled and also bail bonds were forfeited to the State. Non-bailable warrants were issued for 03.10.2022, whereupon, he caused appearance before the trial Court and was granted time to furnish surety bonds on 23.11.2022 but he could not attend the proceedings on account of the fact that his relative was admitted in the hospital, which led to the issuance of non-bailable warrants against him on the above date, Annexure P-5 and since they were not received back on 10.01.2023 and 18.03.2023, fresh non-bailable warrants were issued, Annexure P-6 and Annexure P-7 respectively.

The proclamation was issued on 31.05.2023, Annexure P-8, after a report was

received stating therein that since the petitioner had gone to his relatives place alongwith his family, he could not appear and also for his absence on the said date. The same was effected vide order dated 01.09.2023, Annexure P-9. The case is now listed for 06.11.2023. The absence of the petitioner was neither wilful nor deliberate. Further that he is ready and willing to surrender before the Court and join the proceedings for which one opportunity is being sought for him to surrender before the learned trial Court. 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 15.09.2022.

3. Notice of motion.

4. Ms. Himani Arora, AAG, Punjab, who has appeared on receipt of advance copy of the petition, opposes the same by submitting that the impugned order has been rightly passed by the trial Court on account of non-appearance of the petitioner.

5. Heard.

6. 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.

7. 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.

8. Considering the facts and circumstances of the case, judgments referred to hereinabove, the readiness and willingness of the petitioner to surrender and join the proceedings, which was incumbent upon him for the culmination of the same, the present petition deserves to be and is allowed, in the interest of justice, so as to facilitate expediting the trial and taking it to the logical end. Accordingly, the impugned order is set aside and the petitioner is directed to surrender before the trial Court on or before 09.10.2023 and deposit Rs.15,000/- as costs with Poor Patients Welfare Fund, PGIMER, Chandigarh, whereupon, he shall be released on bail on the same bail/ surety bonds as had been furnished by him at the time for grant of regular bail and the trial Court shall do so subject to its satisfaction. He shall also 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.

9. 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

21.09.2023

Ankur

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No