

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

140

CRM-M-48554-2023 (O&M)

Date of decision: 16.10.2023

Rupinderjeet Singh @ Peeta

....Petitioner

**Versus**

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY**

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Present : Ms. Arti Kaur, Advocate for the petitioner

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**AMAN CHAUDHARY. J.**

1. The present petition has been filed under Section 482 Cr.P.C. for quashing of order dated 18.05.2023 passed by the learned Additional District and Sessions Judge, SBS Nagar whereby non-bailable warrants have been issued against the petitioner due to which which the regular bail granted to the petitioner in FIR No.98 dated 18.10.2020, registered under Sections 398, 450 and 34 IPC and Sections 25, 54 and 59 of Arms Act, at Police Station City Banga, SBS Nagar stands cancelled and bail bonds were forfeited.

2. Learned counsel submits that the petitioner was granted regular bail vide order dated 14.12.2020, whereafter, he regularly kept appearing before the trial Court on each and every date except for 18.05.2023, which was on account of having noted down the above date of hearing as 18.06.2023 due to miscommunication and it having fallen during the period summer vacation, the next date was again noted down as 18.09.2023 instead of 15.09.2023. The bail of the petitioner was cancelled and bonds forfeited to the State and non-bailable warrants had been issued. He is ready and willing to join the proceedings on or

before the next date of hearing which is 20.10.2023 and prays for grant of one opportunity for him to surrender before the trial Court, even if the same is subject to costs.

3. Mr. Manipal Singh Atwal, DAG, Punjab appears on behalf of respondent-State and submits that the non-bailable warrants have been rightly issued against the petitioner, as he had absented from the proceedings.

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. This Court in CRM-M-36490-2022, titled as **Major Singh vs. State of Punjab**, decided on 15.09.2022, while considering the bonafide of the petitioner and finding the reason for his absence justified, set aside the order issuing non-bailable warrants. In CRM-M-38277-2022, **Surjit Singh vs. State of Punjab**, dated 26.08.2022 and CRM-M-39000-2022, titled as **Raghav vs. State of Punjab**, decided on 09.09.2022, the orders whereby non-bailable warrants were issued on account of his non-appearance, were set aside on the ground that the same was on account of having noted down the wrong date and failure of his counsel in not intimating the same.

7. Reverting 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 for taking it to its logical end.
9. As a consequence of the aforesaid, the impugned order dated 18.05.2023 is set aside and the petitioner is directed to surrender before the trial Court on or before 20.10.2023 and deposit Rs.10000/- as costs to be paid to the complainant, whereupon, he be released on the same bail/surety bonds as had been furnished by him at the time of granting bail. 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.
10. The present petition is accordingly allowed.
11. 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

October 16, 2023

M.Kamra

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