

127 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-49010-2023

Date of decision: 11.10.2023

JASWINDER SINGH @ JASSI

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Madan Sandhu, Advocate for the petitioner.

VIVEK PURI,J. (ORAL)

1. The petitioner is seeking to quash the order dated 01.09.2023 passed by the Court of learned Additional Sessions Judge, SAS Nagar, Mohali vide which non-bailable warrants have been issued.

2. Learned counsel for the petitioner contends that the petitioner has been arraigned as an accused in the case bearing FIR No.120 dated 08.06.2020, under Section 306 IPC, 1860 registered at Police Station Dhakauli, District SAS Nagar (Mohali). The petitioner was granted regular bail by the Co-ordinate Bench of this Court in terms of order dated 20.12.2021 passed in CRM-M-36772-2021. The petitioner had been regularly appearing in the trial Court. On 01.09.2023, the petitioner had absented from the proceedings and consequently, his bail order was cancelled, bail bonds and surety bonds were also cancelled and forfeited to the State. The petitioner was ordered to be summoned through non-bailable warrants and notice to the surety was also issued. The reason assigned for non-appearance is to the fact that the petitioner had mistaken the date as 21.09.2023. It has been further submitted that the next date of hearing in the trial Court is 01.12.2023 and the petitioner undertakes to surrender before the trial Court and face trial. He restricts his prayer only to the extent that meanwhile, the petitioner may be

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3. Notice of motion.
4. Ms. Ruchika Sabherwal, DAG, Punjab accepts notice on behalf of the respondent-State and submits that the appropriate directions may be issued to ensure the presence of the petitioner and his participation during the course of trial.
5. In these set of circumstances, the present petition is disposed of with a direction that the petitioner shall surrender before the learned trial Court within a period of two weeks and shall move an application for regular bail. The arrest of the petitioner be not effected till the disposal of the bail application and also for a period of 15 days thereafter, in the event, the bail application is dismissed. However, this order is without prejudice to the proceedings under Section 446 Cr.P.C that may be initiated against the petitioner and his surety.

11.10.2023

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(VIVEK PURI)
JUDGE

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