

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

126

CRM-M-50841-2023

Date of decision: 09.10.2023

Sukhman Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. J. S. Moudgill, 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 03.06.2023 vide which the Additional Chief Judicial Magistrate, Sangrur cancelled the bail bonds of the petitioner and issued non-bailable warrants against him.

2. Learned counsel submits that the petitioner was released on bail in the FIR lodged against him vide order dated 13.03.2023 vide Annexure P-2, whereafter he continued to regularly appear before the trial Court except on 03.06.2023, which was on account of having noted down the date as 03.07.2023 leading to his bail being cancelled and bail bonds forfeited to the State vide Annexure P-4. Thereafter, he filed an application for grant of anticipatory bail wherein he was granted 7 days' time to surrender and seek regular bail vide order dated 19.09.2023 and the application was dismissed. His absence was neither wilful nor deliberate. Further, that he is ready and willing to join the proceedings and it is prayed that one opportunity may be

granted to him to surrender before the trial Court within a month, 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 03.06.2023 is set aside and the petitioner is directed to surrender before the trial Court on or before 24.10.2023 and deposit Rs.10,000/-with the Punjab and Haryana High Court Bar Advocates’ Clerks Association, 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.

09.10.2023
Mehak

(AMAN CHAUDHARY)
JUDGE

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