

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-54144-2022

Date of decision : 06.01.2023

Sukhdev Singh @ Debu

..... Petitioner

V/S

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present: Mr. Karanjeet Singh Brar, Advocate
for the petitioners.

Mr. Hemant Aggarwal, AAG, Punjab.

AMARJOT BHATTI J. (ORAL)

The petitioner-Sukhdev Singh @ Debu has filed the present petition under Section 482 Cr.P.C. for setting aside the impugned order dated 06.06.2022 (Annexure P-3) passed by learned Additional Sessions Judge, Fazilka vide which bail of the petitioner has been cancelled and the bail bonds furnished by the petitioner stood forfeited in FIR No.197 dated 14.09.2019 registered under Sections 363, 366-A, 376 IPC and Section 6 of POCSO Act, 2012 at Police Station City-I Abohar, District Fazilka with the prayer to stay the operation of aforesaid order or any other relief that the court may deem fit and proper.

Learned counsel for the petitioner argued that in the aforesaid case the petitioner was facing trial and was appearing before the court regularly. He could not appear before the trial Court on 06.06.2022 due to wrong noting down of the date and for that reason his bail was cancelled and the bail bonds furnished by him were also forfeited. At the relevant time the case was fixed for prosecution evidence. There was no intentional absence on his part. It is further

alleged that the prosecutrix on attaining majority performed marriage with him and they are living happily as husband and wife. Earlier he was regularly appearing and there is no intention to evade the process of the court. It is prayed that the aforesaid impugned order dated 06.06.2022 may kindly be quashed and he may be permitted to join the proceedings before the trial Court.

Learned counsel representing the State filed the reply taking the stand that in this case after investigation the challan has been presented on 24.11.2020 and the charge against the accused was framed on 16.02.2021. Till date no witness has been examined. On the date fixed i.e. 06.06.2022, the petitioner did not appear before the trial Court nor filed any application seeking exemption and for that reason the bail was cancelled and the bonds furnished by him were forfeited. Thereafter, his arrest warrants were issued but he did not appear and ultimately the proclamation has been issued for 11.01.2023. The absence on his part was intentional and willful therefore, the petition filed by him may kindly be dismissed.

I have considered the arguments advanced before me and I have gone through the record carefully. The learned counsel for the petitioner has also placed on record the downloaded copies of zimni orders in the aforesaid trial. As per record challan was presented against Sukhdev Singh @ Debu and after framing of chargesheet it was fixed for prosecution evidence. It is also a matter of record that the petitioner/accused-Sukhdev Singh @ Debu was appearing before the trial Court, till date no prosecution witness has been examined. On 06.06.2022, the petitioner failed to appear before the trial Court nor any exemption application was filed by him. Under these circumstances his

arrest warrants were issued by cancellation of bail order and the bail bonds furnished by him were forfeited to the State. After the passing of impugned order dated 06.06.2022 his arrest warrants were issued on 5 dates but his presence could not be procured and ultimately, his proclamation was issued, as per zimni order dated 06.12.2022. The petitioner has given simple explanation that he wrongly noted down the date and for that reason he could not appear. There is nothing on record to justify the aforesaid claim raised by the petitioner. The arrest warrants were issued qua him for the last about seven months but he did not make any effort to appear before the trial court nor he opted to file any application seeking anticipatory bail. The petitioner remained silent during this period and ultimately, he has filed this present petition for the quashing of order dated 06.06.2022 when his proclamation was issued.

Considering the aforesaid facts and circumstances I do not find any illegality or irregularity committed by the trial Court while passing the impugned order dated 06.06.2022. Under these circumstances the petition filed by the petitioner seeking quashing of order dated 06.06.2022 is without justification and the same is accordingly declined. However, the petitioner can avail other legal remedy available to him as per law.

Petition is accordingly disposed of.

(AMARJOT BHATTI)
JUDGE

06.01.2023
Sunil Devi

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No