

CRM-M-51820-2023 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-51820-2023(O&M)

Date of decision: 12.10.2023

Jagdeep Singh @ Kaka

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:-** Mr. Kulwinder Singh, Advocate for petitioner.

Mr. Dhruv Dayal, Additional AG Punjab.

ARUN MONGA, J. (ORAL)

Petitioner is aggrieved against an order dated 22.08.2023 (Annexure P-3) passed by learned Judicial Magistrate Ist Class, Mansa, in a case bearing FIR No.113 dated 14.07.2019 registered under Sections 61, 78(1), 1, 14 of the Punjab Excise Act, 1914, Police Station, City-1, Mansa, District Mansa. Vide said order, impugned herein, non-bailable warrants have been issued against the petitioner. His bail was cancelled and bonds/surety bonds have been cancelled and forfeited to the State.

2. The learned counsel for the petitioner submits that the petitioner is working as a laborer. However, on 22.08.2023, the petitioner could not appear before the Court below, and an exemption application was also submitted, stating that the petitioner noted the wrong date as 28.08.2023 instead of 22.08.2023. Nevertheless, in the impugned order, his bail was canceled, his bail bonds/surety bonds were forfeited to the State, and non-bailable warrants were issued against him. The non-appearance of the petitioner was neither intentional nor deliberate but due to noting the wrong date.

3. Upon the advance service of the petition, the learned State counsel appears and opposes the petition.

4. I have heard the learned counsel for the parties and reviewed the record.

5. Undoubtedly, the petitioner was previously granted bail by the learned Court below through an order dated 01.08.2019. His absence on the date set before the

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Court below was unintentional and beyond his control since the petitioner noted the wrong date as 28.08.2023 instead of 22.08.2023. I find that the non-appearance on the set date had a valid reason, and the Court below should have granted the exemption application.

6. The cancellation of bail is a serious matter and can have a significant impact on a person's life. Matters of personal liberty should not be taken lightly and handled in such a mechanical manner, as in the present case.

7. In the premise, impugned order is set aside. Earlier bail order stands revived on bail bond and surety bond already furnished by petitioner before learned Court below. Petitioner is directed to join proceedings before learned Court below within three weeks from today and shall continue to appear before learned trial Court without default.

8. Petition is accordingly allowed.

9. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

12.10.2023
Jyoti Thakur

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