

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

**CRM-M-58664-2022 (O&M)
DATE OF DECISION : 17.10.2023**

SANDEEP KUMAR THAMAN

...PETITIONER

VERSUS

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM : HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr.Paras Talwar, Advocate,
for the petitioner.

Mr.H.S.Sullar, Sr.DAG, Punjab

MANISHA BATRA, J.(ORAL)

1. Notice issued to respondent no.2 has been received back unserved with the report that she is out of country.
2. Learned counsel for the petitioner has submitted that the order dated 16.12.2022, has been complied with by the petitioner and he has been regularly putting up appearance before the Court of learned Sessions Judge, SBS Nagar.
3. He has placed on record copies of the orders passed by learned Sessions Judge, during the period from March, 2023 till date showing presence of the petitioner.
4. A perusal of record has revealed that the petitioner has filed an appeal against his conviction as recorded vide judgment dated 01.04.2022 in case bearing No.23/1, dated 24.04.2017, cited as "State vs. Sandeep Thamman and another" arising out of FIR No.06, dated 30.06.2016, at Police Station NRI, SBS Nagar.
5. A perusal of order dated 27.10.2022 passed by the learned Sessions

Judge, SBS, Nagar, which has been impugned before this Court reveals that the petitioner had gone abroad during the pendency of the appeal and had been seeking extension of time for stay there. His application had been dismissed vide the above order and the bank guarantee and surety as furnished by him was forfeited. Consequently, non-bailable warrants were ordered to be issued against him.

6. A request has been made by learned counsel for the petitioner that in view of the regular appearance of the petitioner before the Court of learned Sessions Judge, SBS, Nagar, order dated 16.12.2022 passed by this Court, be made absolute.

7. On a perusal of the record, this Court is satisfied that the petitioner has shown his *bona fide* by regularly appearing before learned Sessions Judge, SBS Nagar, before whom the appeal filed by him is pending.

In such circumstances, the prayer made by the petitioner for quashing the order dated 27.10.2022 as passed by learned Sessions Judge, SBS, Nagar, deserves to be accepted.

Accordingly, order dated 27.10.2022, as passed by learned Sessions Judge, SBS Nagar, is set aside, subject to the condition that the petitioner shall furnish personal bonds in the sum of Rs.5 lakhs with one surety in the like amount to the satisfaction of that Court, within a period of 15 days of passing of this order.

Petition stands disposed of.

17.10.2023
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(MANISHA BATRA)
JUDGE

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