

2023:PHHC:142595

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

132

CRM-M-56466-2023
Date of Decision.:08.11.2023

Binder Singh @ Gurjinder Singh @ Gurshinder Singh

Petitioner

Vs.

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. K.S. Dargan, Advocate for
Mr. Mandeep Singh, Advocate
for the petitioner.

DEEPAK GUPTA, J. (ORAL)

By way of this petition filed under Section 482 Cr.P.C., prayer is made to quash impugned order dated 18.09.2023 (Annexure P-2) passed by the Trial Court, whereby it cancelled the bail earlier granted to the petitioner, forfeited the bail bonds and issued warrants of arrest, in a case arising out of FIR No.0004 dated 19.01.2023 registered under Sections 61 of the Punjab Excise Act, 1914 registered at Police Station Sadar Malout, District Sri Muktsar Sahib (Annexure P-1).

Learned counsel contends that petitioner was on bail. Date fixed was 18.09.2023. Inadvertently, petitioner noted the date to be 22.09.2023, due to which petitioner could not appear on 18.09.2023 and so, his bail was cancelled and bonds were forfeited. Learned counsel further contends that petitioner applied for anticipatory bail before the Court of Sessions, where his counsel gave an undertaking for his surrender before the Trial Court concerned within a period of 05 days. However, his counsel before the Trial Court did not

communicate him the said order due to which petitioner could not surrender before the Trial Court concerned within 05 days. Learned counsel further contends that petitioner is still ready to surrender before the Trial Court and that reasonable time be given to him with necessary protection.

Notice of motion.

Mr. Randeep Singh Khaira, DAG, Punjab accepts notice on behalf of respondent- State.

This petition is hereby disposed of with the direction to the petitioner to surrender before the Trial Court concerned on or before 21.11.2023. On his such appearance, Trial Court concerned will be at liberty to initiate proceedings under Section 466 Cr.P.C. After disposal of those proceedings, the Trial Court shall admit the petitioner to bail. Till disposal of those proceedings, petitioner shall not be taken into custody.

In the meantime, if petitioner is sought to be arrested on account of warrants of arrest having been issued against him, he shall be admitted to interim bail subject to satisfaction of Arresting Officer.

(DEEPAK GUPTA)
JUDGE

November 08, 2023

Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No