

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

CRM-M-60073-2022

Date of decision: 16.01.2023

HARDEEP SINGH

...Petitioner

V/s

STATE OF PUNJAB

...Respondents

CORUM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Amit Sharma, Advocate
for the petitioner.

DEEPAK MANCHANDA J. (ORAL)

Present petition has been filed under Section 482 of Cr.P.C. seeking quashing of impugned orders dated 21.02.2022 (Annexure P-3), dated 09.08.2022 (Annexure P-4) and dated 10.11.2022 (Annexure P-5) vide which non-bailable warrants were issued against the petitioner in case bearing FIR No. 213, 02.10.2019, under Sections 323, 341, 379-B, 506 and 34 of the Indian Penal Code registered at Police Station Samrala District Ludhiana.

Learned counsel for the petitioner contends that petitioner was summoned to face trial in aforesaid FIR and was granted the concession of regular bail vide order dated 05.11.2019 passed by the trial Court and thereafter petitioner was regularly appearing since then on each and every date. It is further submitted that on 21.02.2022, the petitioner was unable to put appearance before the trial Court as he wrongly noted down the next date of hearing.

He further submits that the petitioner is ready and willing to surrender before the learned trial Court.

Notice of motion.

At this stage, Mr. Sandeep Kumar, DAG Punjab, who is present in the Court accepts notice on the asking of the Court and submits that the orders of issuance of non-bailable warrant(s) have been issued against the petitioner on the sole ground of his absence on 21.02.2022.

Many a times, the accused can be prevented by sufficient reasons to put in appearance before the Court on a given date, which necessarily cannot be construed as a deliberate and willful absence. The explanation offered for non-appearance and unintentional absence before the trial Court is accepted.

In view of the same, impugned orders dated 21.02.2022 (Annexure P-3), dated 09.08.2022 (Annexure P-4) and dated 10.11.2022 (Annexure P-5) are hereby set aside. The petitioner is directed to appear before the trial Court on or before 25.01.2023 (the date already fixed before the trial Court) and is allowed to furnish fresh bail bonds and surety bonds to the satisfaction of the trial Court.

It is made clear that if the petitioner fails to appear before the trial Court within the stipulated time, interim protection granted to him shall be deemed to have been automatically vacated.

Petition disposed of.

(DEEPAK MANCHANDA)
JUDGE

16.01.2023
Ajay Goswami

Whether speaking/reasoned	Yes
Whether reportable	Yes/No