

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-290 of 2023

Date of Decision:06.01.2023

Kulbir Singh Petitioner
Vs.
State of Punjab Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Anshul Sharma, Advocate with
Mr. S.S. Thakur, Advocate for the petitioner.

Mr. Shubham Kaushik, AAG, Punjab.

DEEPAK GUPTA, J.

The petitioner is seeking for setting aside the impugned order dated 09.11.2021 passed by ld. Additional Sessions Judge, Ludhiana vide which bail bonds of the petitioner were cancelled and non-bailable warrants were issued against him due to his non-appearance.

It is contended that the case was committed to the Court of Sessions by learned Area Magistrate vide order dated 06.10.2021 in the presence of the accused- petitioner and he was directed to appear before the Court of Sessions on 09.11.2021. However, on the adjourned date i.e. 09.11.2021 as petitioner failed to appear, his bail was cancelled and bail bonds and surety bonds were forfeited. It is submitted by the counsel that in fact, the petitioner had wrongly noted the date to be 19.11.2021 instead of 09.11.2021 due to which his bail was cancelled. Later on, when he came to know about the next fixed date of hearing to be 24.12.2021, on that date, due to unfortunate incident of bomb blast in the Court complex, the lawyers were abstaining from work, and so he could not appear in the Court.

Having regard to the facts and circumstances as mentioned above, the order dated 09.11.2021 of learned Additional Sessions Judge, Ludhiana is hereby set aside. Petitioner is directed to surrender before the concerned trial Court within 15 days from today, who shall consider his bail application on the same date. In the meantime, if the petitioner is sought to be arrested, he shall be admitted to interim bail, to the satisfaction of Arresting Officer.

January 06, 2023
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(DEEPAK GUPTA)
JUDGE

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