

CRM-M-60122-2023
Date of decision: 30.11.2023

Versus

State of Punjab ..Respondent

Present: Mr. Narinder Singh Dadwal, Advocate
for the petitioner.

The prayer in the present petition under Section 482 Cr.P.C. is for quashing of impugned order dated 11.08.2023 (Annexure P-1) in a case bearing FIR No.0042 dated 26.04.2022 (Annexure P-2) under Sections 307/325/323/341/506/148/149 of IPC registered at Police Station Daba, District Police Commissionerate Ludhiana, whereby, bail bonds and surety bonds of the petitioner were ordered to be cancelled.

2. Learned counsel appearing for the petitioner *inter alia* contends that the petitioner was on bail and was regularly appearing before the learned trial Court and on 11.04.2023, he noted down the wrong date i.e. 11.09.2023 instead of 11.08.2023 due to which he could not put in appearance before the learned trial Court on that day. On 11.08.2023, due to non-appearance of the accused/petitioner, his bail bonds/surety bonds were cancelled and forfeited to the State and warrants of arrest, notice to his surety and identifier were issued for 24.11.2023. He further contends that on 11.09.2023, when accused/petitioner went to Court, his counsel informed him that the next date in

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his case is 24.11.2023. On 24.11.2023, when the petitioner reached Court, he was informed that the last date of his case was 11.08.2023 and on that day, due to his non-appearance before the learned trial Court, his bail bonds and surety bonds were cancelled and warrants of arrest were issued for 24.11.2023.

3. Learned counsel appearing for the petitioner submits that the non-appearance of the petitioner was not deliberate and intentional and thus, aggrieved by the said order, he has approached this Court by way of instant petition. It is contended that the impugned order is liable to be set aside on the ground of unintentional non-appearance of the petitioner due to his act of noting down the date wrongly.

4. It is also submitted that the petitioner undertakes to appear before the trial Court on each and every date.

5. Notice of motion.

6. Ms. Navreet Kaur Barnala, AAG, Punjab who is present in Court, accepts notice for the respondent and supports the order passed by the learned trial Court by contending that the petitioner did not put in appearance before the trial Court intentionally and deliberately and, therefore, having left with no other option, warrants of arrest were issued against him to secure his presence.

7. I have heard learned counsel for the parties and perused the record of the case with their able assistance and with the consent of parties, the matter is taken up for final disposal.

8. While the scheme of criminal justice system necessitates curtailment of personal liberty to some extent, it is of the utmost importance that the same is done in line with the procedure established by law to maintain a

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healthy balance between personal liberty of the individual-accused and interests of the society in promoting law and order. Such procedure must compatible with Article 21 of the Constitution of India i.e. it must be fair, just and not suffer from the vice of arbitrariness or unreasonableness.

9. The sole purpose of issuance of non-bailable warrants/warrants of arrest or issuance of proclamation is to secure presence of the accused before the trial Court. The petitioner in the present case has himself come forward and has undertaken to appear before the trial Court on each and every date.

10. In view of the aforesaid facts and circumstances, the present petition is allowed, and the impugned order dated 11.08.2023 (Annexure P-1) vide which his bail bonds/surety bonds were cancelled and he was summoned through warrants of arrest, is hereby set aside.

11. The petitioner is directed to appear before the trial Court on the date fixed before it i.e. 14.12.2023 and on his doing so, he shall be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of the trial Court, along with costs of Rs.10,000/- to be deposited with the District Legal Services Authority, Ludhiana, for wasting precious time of the Court.

(HARPREET SINGH BRAR)
JUDGE

30.11.2023
Neha

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