

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M No.61824 of 2023
Date of decision: 11.12.2023

Harmanpreet Singh @ Harman @ Mani ... Petitioner

Vs.

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Raman Kumar, Advocate,
for the petitioner.

MANISHA BATRA, J. (Oral)

1. The instant petition has been filed by the petitioner for quashing of order dated 16.10.2023 passed in Sessions case bearing No.SC-259 of 2019 titled as *State v. Avtar Singh and another* arising out of FIR No.335 dated 29.12.2018 registered under Sections 363 and 366-A of IPC and Sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012 (For short "POCSO Act") at Police Station Sadar, Jagraon, whereby the bail of the petitioner was cancelled and his bonds were forfeited on account of his non-appearance. It is submitted by the petitioner that he is a Government employee. He has been appearing before the learned trial Court regularly and whenever he could not appear, he had been moving applications seeking exemption from personal appearance which had been allowed by the trial Court from time to time. It is further submitted that his wife was suffering from some

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chronic disease and as on 16.10.2023, her condition was not stable. The petitioner had been taking care of his wife at home and as such could not appear before the trial Court. It is submitted that he had approached his advocate on 06.11.2023 and had apprised him about this fact. An application for grant of anticipatory bail had been filed by him which had been dismissed vide order dated 20.11.2023 by the Court of learned Additional Sessions Judge, Ludhiana. It is submitted that his absence on 16.10.2023 was not intentional and deliberate and hence, prayer has been made by him to set aside the impugned order and to grant him opportunity to appear before the trial Court.

2. I have heard learned counsel for the petitioner and have perused the material placed on record. A perusal thereof reveals that on 16.10.2023, the bail of the petitioner was cancelled on account of his non-appearance before the trial Court and the matter had been adjourned to 06.11.2023. Obviously, he had not appeared before the trial Court on 06.11.2023 itself and fresh non-bailable warrants had been issued against him for 15.12.2023. It is also revealed from the record that prior to the cancellation of the bail, the petitioner had either been appearing before the learned trial Court or had been submitting applications seeking exemption whenever he had not personally appeared. He approached the Court of learned Additional Sessions Judge seeking relief of anticipatory bail by moving application on 08.11.2023. It is reflected from the same that his absence on 16.10.2023 and 06.11.2023 was neither intentional nor wilful. Though, there is no infirmity in the order passed by learned

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trial Court for cancellation of bail of the petitioner but keeping in view the fact that absence on the part of the petitioner was not willful, the present petition is disposed of by directing the petitioner to surrender before the trial Court on or before 15.12.2023 which is a date fixed before learned trial Court and to move application for bail. In that circumstance, the learned trial Court shall admit him to bail on his furnishing bonds to its satisfaction.

3. A copy of this order be sent to the concerned Court for compliance.

11.12.2023
manju

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No