

Sr.No.134

2023:PHHC:160915

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

CRM-M-62641-2023(O&M)

Date of decision:13.12.2023

Gurjinder Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: Hon'ble Ms. Justice Harpreet Kaur Jeewan

Present: Mr. Narinder S.Lucky, Advocate
for the petitioner.

Harpreet Kaur Jeewan, J.(Oral)

1. Prayer in the present petition filed under Section 482 of Criminal Procedure Code is for quashing of order dated 20.10.2023(Annexure P-3) passed by Chief Judicial Magistrate, Jalandhar whereby the bail order of the petitioner has been cancelled and the bail bonds have been forfeited, consequently non-bailable warrant of arrest have been issued.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner is facing the trial in FIR NO.0006 dated 05.01.2023 registered at Police Station Division 6, District Police Commissionerate Jalandhar under Sections 354-A, 506 and 34 of Indian Penal Code, 1860, which was falsely registered at the instance of the complainant. The challan was presented on 31.07.2023. The petitioner appeared and was granted bail subject to furnishing of bail bonds. On 16.09.2023 the petitioner could not appear and he filed an application for exemption from his personal appearance, which was allowed by the trial Court. However, on 20.10.2023, the petitioner could not appear and as such the bail order was cancelled. The absence of the petitioner was on account of the fact that he missed the date due to personal difficulty, however, he informed his counsel and

requested him to file an application for exemption but such an application was not filed. Resultantly, bail bonds were forfeited without issuing notice to him.

3. Learned counsel for the petitioner further submits that petitioner is ready to face trial.

4. Since the petitioner wants to face the trial, as such it is in the interest of justice, to grant one opportunity to the petitioner to appear before the trial Court. The petitioner is directed to appear before the trial Court within a week from today and in that event he shall be admitted to bail subject to furnishing personal bonds with one surety in the like amount to the satisfaction of the trial Court. With the aforesaid conditions, the impugned order dated 20.10.2023(Annexure P-3) is set aside. However, it is made clear that in case the petitioner does not abide by the aforesaid conditions, the order dated 20.10.2023 would revive automatically without any further reference to be made to this Court.

13th December, 2023
Shivani Kaushik

[HARPREET KAUR JEEWAN]
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No