

2023:PHHC:159608
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-62690-2023
Date of Decision:13.12.2023

Sukhwinder Singh @Goghari

...Petitioner

vs.

State of Punjab and Anr.

...Respondents

Coram : **Hon'ble Mr. Justice N.S.Shekhawat**

Present : Mr. P.K.S Phoolka, Advocate
for the petitioner.

Mr. Mohinder Singh Joshi, AAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 482 Cr.P.C with a prayer to set aside the order dated 24.04.2023 passed by the Court of Additional Sessions Judge, Bhatinda in case No.SC-04-2022 (Annexure P-2), whereby the bail of the petitioner was cancelled and the bail bonds/surety bonds were ordered to be forfeited to the State and further orders were passed to secure his presence through non-bailable warrants.

2. Learned counsel for the petitioner contends that the petitioner was granted the concession of regular bail vide order dated 16.11.2021. After the presentation of the challan, the trial formally commenced against him and he was regularly appearing before the Trial Court. Learned counsel further contends that due to noting of wrong date i.e 24.05.2023 instead of 24.04.2023, he could not appear on 24.04.2023. As a consequence, his bail was cancelled on 24.04.2023. Learned counsel further contends that the act of non-appearance on the part of the petitioner was unintentional and he is ready to surrender before the Trial Court. He further contends that the petitioner shall appear on each and every date of hearing, before the Trial Court and shall not absent himself during the Court proceedings.

3. Notice of motion.

4. Mr. Mohinder Singh Joshi, AAG, Punjab, who is present in the Court, accepts notice on behalf of respondent-State.

5. Learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the petitioner had not appeared intentionally before the Trial Court and does not deserve the concession of bail and the petition is liable to be dismissed by this Court.

6. I have heard the learned counsel for the parties and perused the record.

7. The petitioner was granted the concession of regular bail on 16.11.2021 and was regularly appearing before the Trial Court; however, on one date i.e. 24.04.2023, he could not appear before the Trial Court. Consequently, taking a lenient view of the matter, the petitioner is permitted to surrender before the Additional Sessions Judge, Bathinda/Trial Court within a period of ten days from today and on his surrender, he shall be admitted to bail subject to furnishing bail bonds and surety to the satisfaction of the concerned Court.

8. At the time of furnishing of bail bonds the petitioner shall also file an affidavit before the concerned Court that he shall continue to appear before the Court on each and every date of hearing and shall not absent himself during the court proceedings, except with prior permission of the Court.

9. The Trial Court/Duty Magistrate shall also be at liberty to impose any other conditions, as it deems fit in the peculiar facts and circumstances of case.

The petition stands allowed in abovesaid terms.

(N.S.SHEKHAWAT)
JUDGE

13.12.2023
hitesh

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