

134 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-63725-2023

Date of Decision: 18.12.2023

Baghel Singh @ Baghela

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Brijesh Nandan, Advocate for the petitioner.

HARKESH MANUJA, J. (Oral)

1. By way of present petition under Section 482 Cr.P.C., prayer has been made for quashing the order dated 28.09.2023 (Annexure P-7) passed by the court of Additional Sessions Judge, Amritsar, whereby bail of the petitioner was cancelled, besides, forfeiture of bail/surety bonds, followed by issuance of non-bailable warrants against him.

2. Briefly stated, the petitioner was implicated in FIR No.16, dated 12.03.2020, registered under Sections 379 (B) (2) of IPC and Section 25 of the Arms Act, 1959, at Police Station Tarsikka, District Amritsar (Annexure P-1), wherein he was granted the concession of regular bail vide order dated 14.09.2022 passed by the Trial Court (Annexure P-2) and thereafter, he was regularly appearing before the Trial Court. It is further stated that though on 28.09.2023, the petitioner was present in Court, however, there was “no-work day” declared by the Advocates and the court staff orally told next date as 16.11.2023, whereas, in order dated 28.09.2023, presence of the petitioner was recorded as absent, resulting into cancellation of his bail and forfeiture of bail/surety bonds, followed by issuance of non-bailable warrants for 06.11.2023. On 28.09.2023, since the petitioner noted down the wrong date as 16.11.2023 instead of 06.11.2023, therefore, he

could not appear, as a result of which, proclamation under Section 82 Cr.P.C. has been issued for 05.01.2024. The said order dated 28.09.2023 has been impugned by way of present petition.

3. Learned counsel for the petitioner submits that the petitioner failed to appear before the Trial Court on 06.11.2023, as on 28.09.2023, the petitioner noted down the wrong date as 16.11.2023.

4. Notice of motion.

5. Mr. Shubham Kaushik, AAG, Punjab, who is present in Court accepts notice on behalf of the respondent-State and opposes the prayer while submitting that the non-appearance of the petitioner before the Trial Court was just to cause delay in the disposal of trial.

6. I have heard learned counsel for the parties and gone through the paper book.

7. The non-appearance of the petitioner before the Trial Court on 28.09.2023 and 06.11.2023 appears to be unintentional and for bonafide reason i.e. on account of having noted down wrong date.

8. In view of the above, the present petition is allowed. Order dated 28.09.2023 is set aside. Petitioner is directed to appear before the Trial Court within a period of 10 days from the date of receipt of certified copy of this order and furnish his fresh bail/surety bonds, which shall be accepted, subject to verification. The petitioner shall also file an affidavit that he will continue to appear before the Trial Court, unless granted exemption specifically and categorically.

18.12.2023

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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned: yes/no
Whether reportable? yes/no