

132 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-64280-2023

Date of Decision: 22.12.2023

Parwinder Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Ms. Komal Preet Kaur, Advocate for
Mr. Sandeep Arora, Advocate,
for the petitioner.

HARKESH MANUJA, J. (Oral)

1. By way of present petition filed under Section 482 Cr.P.C., prayer has been made for quashing the order dated 23.11.2023 (Annexure P-4) passed by the court of Judicial Magistrate Ist Class, Phillaur, whereby bail of the petitioner was cancelled, besides, forfeiture of bail bonds, followed by issuance of non-bailable warrants against him.

2. Briefly stated, the petitioner was implicated in FIR No.185, dated 31.10.2015, registered under Sections 406, 420 and 120-B IPC, at Police Station Goraya, District Jalandhar Rural, wherein he was granted the concession of bail and thereafter, he was regularly appearing before the Trial Court. But for 10.11.2023 and 23.11.2023, the petitioner could not appear before the Trial Court, resulting into cancellation of bail and forfeiture of bail bonds followed by issuance of non-bailable warrants against him vide order dated 23.11.2023. The aforesaid order 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 10.11.2023 and 23.11.2023, on account of noted down the wrong date.

4. Notice of motion.

5. Mr. Sandeep Kumar, DAG, 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 10.11.2023 and 23.11.2023 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 23.11.2023 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.

22.12.2023
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(HARKESH MANUJA)
JUDGE

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