

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRM-M-341-2024

Date of Decision: January 08, 2024

HARBHAJAN SINGHPetitioner

Versus

STATE OF PUNJAB AND ANRRespondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Neeraj Yadav, 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 orders dated 15.11.2023, 01.12.2023 and 16.12.2023 (Annexures P-3, P-4 and P-5 respectively) passed by the court of learned Chief Judicial Magistrate, 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 stating, the petitioner was implicated in FIR No.31, dated 06.02.2018, registered under Section 25 Arms Act, at Police Station G.R.P., District Amritsar, wherein he was granted the concession of regular bail vide order dated 11.05.2018 passed by this Court and since then, he had been regularly appearing before the Trial Court, but for 15.11.2023, when the petitioner could not appear due to ill-health, resulting into passing of order dated 26.07.2023. The said order has been impugned by way of present petition.

3. Learned counsel for the petitioner submits that the

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non-appearance of the petitioner on 15.11.2023 before the Trial Court was totally unintentional and for bona fide reason i.e. on account of having fallen sick.

4. Notice of motion.
5. Mr. Chetan Sharma, DAG, Haryana 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 15.11.2023 appears to be unintentional and for bona fide reason beyond his control i.e. on account of having fallen ill whereas the petitioner has been regularly appearing before the trial Court, since he was granted the concession of bail.
8. In view of the above, the present petition is allowed. Orders dated 15.11.2023, 01.12.2023 and 16.12.2023 are 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 and till then no coercive steps to be taken against him. The petitioner shall also file an affidavit that he will continue to appear before the Trial Court, unless granted exemption specifically and categorically.

08.01.2024
Tejwinder

(HARKESH MANUJA)
JUDGE

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