

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

146

CRM M-588 of 2024
Date of Decision: 08.01.2024

Jaswinder Singh ...Petitioner
Versus
State of Punjab ... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Saurav Bhatia, Advocate, for the petitioner.
Ms. Navreet Kaur Barnala, 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 quash the orders dated 19.10.2023, 27.10.2023 and 29.11.2023 (Annexurs P-5 to P-7, respectively) passed by the Court of Sessions Judge, District Shaheed Bhagat Singh Nagar in case FIR No. 150 dated 08.09.2022 under Section 379-B IPC (later on added offence under Section 411 IPC) registered at Police Station City Nawanshahar.
2. Learned counsel for the petitioner contends that the petitioner was ordered to be released on bail vide order dated 10.07.2023 (Annexure P-2) passed by the Court of Sessions Judge, S.B.S. Nagar. After the grant of the bail, the petitioner appeared before the trial Court on 04.08.2023 and 23.08.2023 and the case was ordered to be listed on 19.10.2023. However, due to communication

gap with the clerk of the learned counsel for the petitioner, the petitioner could not appear on 19.10.2023. As a consequence, the bail order of the petitioner was ordered to be cancelled and his bail bonds were ordered to be forfeited to the State and he was ordered to be summoned through non-bailable warrants. Learned counsel submits that after that, the petitioner could not appear before the trial Court on 27.10.2023 and 29.11.2023 and he is ready to surrender before the trial Court and to join the proceedings of the trial.

3. Notice of motion.

4. On the asking of Court, Ms. Navreet Kaur Barnala, AAG, Punjab accepts notice on behalf of respondent-State. Learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that the petitioner did not appear on three successive dates before the trial Court and does not deserve any leniency by this Court.

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

6. After perusing the records, this Court finds that there is no illegality in the impugned orders (Annexures P-5 to P-7) passed by the Court of Sessions Judge, S.B.S. Nagar. However, taking a lenient view of the matter in view of the fact that the petitioner had already remained in custody for about 11 months and is a young person, the petitioner is directed to surrender before the trial Court within a

period of two weeks from today and on his appearance, he shall be admitted to bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned , subject to payment of Rs. 30,000/- as costs, which shall be deposited in the Punjab and Haryana High Court Bar Clerks' Association.

7. The petitioner shall file an affidavit before the trial Court that he shall appear on each and every date of hearing and shall not remain absent during the trial without prior permission of the trial Court. In case, the petitioner does not appear on any date of hearing before the trial Court without prior permission, it shall be viewed seriously and the necessary consequences will follow.

8. Disposed off.

08.01.2024

amit rana

(N.S.SHEKHAWAT)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No