

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-1631-2024
Decided on-30.01.2024

SUKHPINDER SINGH AND ANOTHER
.....PETITIONERS

VERSUS

STATE OF PUNJAB
.....RESPONDENT

CORAM: HON’BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Karanjeet Singh Brar, Advocate
for the petitioners.

SANDEEP MOUDGIL, J(ORAL)

1. The jurisdiction of this Court under Section 482 Cr.P.C. has been invoked for setting aside the impugned order dated 12.07.2023 (Annexure P-2) passed by Learned Additional Chief Judicial Magistrate, Faridkot vide which bail bonds and surety bonds furnished of the petitioners have been forfeited to the State and non-bailable warrants of the petitioners has been issued in case FIR No.104 dated 14.12.2019 (Annexure P-1) under Section 61 of Excise Act, 1914 registered at Police Station Sadiq, District Faridkot.
2. Learned counsel for the petitioners contends that the petitioners could not appear before the Learned Trial Court as the petitioners had noted wrong date due to miscommunication between the petitioners and their counsel. Due to non appearance before the Trial Court on the said date, the trial Court, the bail bonds and surety bonds of the petitioners were forfeited to the State and non-bailable warrants were issued against them vide order dated 12.07.2023. The petitioners undertake to appear before the Trial Court in future in each and every date of hearing and they will not evade the process of law.

3. Notice of motion.
4. At the asking of Court, Mr. Ramdeep Partap Singh, Senior DAG, Punjab, accepts notice on behalf of respondent-State of Punjab.
5. Heard. Counsel for the respective parties.
6. This court is convinced that this is an isolated instance of non appearance of the petitioners and that too due to miscommunication between them and their Counsel for attending the Court proceedings on 12.07.2023.
7. In view of the discussion hereinabove, the present petition is disposed of with a direction to the petitioners to surrender before the trial Court within a period of one week from today and in case they file an application for grant of bail before the trial Court, the same shall be decided by it on the same day in accordance with law. However, the aforesaid order/concession to the petitioners shall be subject to payment of Rs.10,000/- as costs to be deposited with the Punjab and Haryana High Court Bar Association, Chandigarh (Account No.65035682434, IFSC Code SBIN0050306) and a receipt of the same be produced before the Trial Court and only in that eventuality application of the petitioner seeking bail be considered by the Trial Court.
8. Disposed of accordingly.

30.01.2024

Sham

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No

(SANDEEP MOUDGIL)
JUDGE