

129 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-3439-2024

Date of Decision: 23.01.2024

Ajay Kumar Chaudhary

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Gursimran Singh Madaan, 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 orders dated 08.11.2023 (Annexure P-5) and 03.01.2024 (Annexure P-6) passed by the court of Additional Sessions Judge, Ludhiana, whereby bail of the petitioner was cancelled, besides, forfeiture of bail bonds and surety bonds, followed by issuance of non-bailable warrants against him.

2. Briefly stated, the petitioner was implicated in FIR No.256, dated 08.09.2015, registered under Sections 370, 34 IPC, Sections 23, 24, 26 of Juvenile Justice Act, 1986 and Sections 16, 17, 18, 19, 20 of the Bonded Labour System (Abolition) Act, 1976, at Police Station Salem Tabri, District Ludhiana City, wherein he was granted the concession of anticipatory bail and thereafter, he was regularly appearing before the Trial Court, but for 08.11.2023, when the petitioner could not appear before the Trial Court, resulting into cancellation of bail and forfeiture of bail bonds/surety bonds followed by issuance of non-bailable warrants against him vide order dated 08.11.2023. The aforesaid order has been impugned by way of present petition.

CRM-M-3439-2024

3. Learned counsel for the petitioner submits that the petitioner failed to appear before the Trial Court on 08.11.2023, on account of having noted down the wrong date i.e. 08.12.2023 instead of 08.11.2023.

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 08.11.2023 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. Orders dated 08.11.2023 and 03.01.2024 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. The petitioner shall also file an affidavit that he will continue to appear before the Trial Court, unless granted exemption specifically and categorically.

9. The aforesaid order is subject to payment of costs of Rs.10,000/- to be deposited with the District Legal Services Authority, Ludhiana, Punjab, within a period of two weeks from today.

23.01.2024

sonika

(HARKESH MANUJA)
JUDGE

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