

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-3052-2024
Date of decision: 20.01.2024

PAWAN SINGH ALIAS PINDER AND ANOTHER
....PETITIONER(S)

Versus

STATE OF PUNJAB
....RESPONDENT(S)

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Jaspreet Singh Brar, Advocate for the petitioners.

SANJIV BERRY, J.(ORAL)

The instant petition under Section 482 Cr.P.C. has been filed seeking quashing of the impugned order dated 28.08.2023 (Annexure P-3) passed by learned Additional Chief Judicial Magistrate, Faridkot, in case FIR No.0167 dated 03.12.2018 under Section 61 of Punjab Excise Act, 1914 registered at P.S. Sadar Faridkot, District Faridkot (Annexure P-1) whereby the bail bonds and surety bonds furnished by the petitioner were forfeited and non-bailable warrants were issued.

2. It is, *inter alia*, contended by learned counsel for the petitioners that the petitioners, after having been granted concession of bail, had been regularly appearing in the Court but on 28.08.2023, although they went to Court but the Clerk to their counsel informed that there is no witness and the case will be adjourned on the basis thereof, they returned back without getting their presence marked in the Court leading to passing of the order dated 28.08.2023 by learned trial Court cancelling their bail

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and issuance of non-bailable warrants of arrest. Learned counsel for the petitioner further submits that absence of the petitioners has been due to the aforesaid miscommunication and such confusion will not re-occur in future and the petitioners will regularly appear in Court on each and every date of hearing without fail. He submits that now the case is fixed for 28.03.2024 for presence of the petitioners and the petitioners are ready to appear in the trial Court.

3. Notice of motion.

4. On the asking of the Court, Mr. Harpreet Singh, Addl. A.G., Punjab, who is present in Court, accepts notice on behalf of the respondent-State and has not disputed the factual matrix in the matter.

5. After hearing the respective arguments and considering the record, it transpires that the petitioners were nominated as accused in the aforesaid case and after they were granted bail in the case and on conclusion of the investigation, the challan was presented in the Court of learned trial Court, where they had been appearing regularly. It is evident from the perusal of the record that the case was fixed for prosecution evidence on 28.08.2023, when the petitioners absented from proceedings leading to cancellation of their bail and issuance of non-bailable warrants of arrest against the petitioners. According to learned counsel for the petitioners, as stated above, the absence of the petitioners on the date was not intentional but due to miscommunication and the same will not be happening in future as the petitioners will be more careful.

6. Considering the above facts and circumstances of the case without commenting on the merits, the present petition is allowed thereby

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setting aside the impugned order dated 28.08.2023 with the direction to the petitioners to appear in the trial Court/Duty Magistrate within seven days from today and in the event of their arrest, they are ordered to be released on bail on their furnishing personal/surety bonds to the satisfaction of the learned trial Court. They shall regularly appear in the Trial Court on each date of hearing and will not tamper with evidence.

7. Disposed of.

(SANJIV BERRY)
JUDGE

20.01.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |