

CRM-M-3570-2024
Date of decision: 23.01.2024

Pappu SinghPetitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Khushika Setia, Advocate
for the petitioner.

Mr. Subhash Godara, Addl.A.G., Punjab.

HARPREET SINGH BRAR, J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C. seeking quashing of order dated 06.12.2023 (Annexure P-12) in FIR No.04 dated 04.01.2020 under Section 61 of Punjab Excise Act, 1914 registered at Police Station Dera Bassi, vide which the application filed by the petitioner seeking extension of time to furnish bail/surety bonds granted vide order dated 23.10.2023 by the learned District Sessions Judge, Mohali, has been dismissed.

Learned counsel for the petitioner *inter alia* submits that the petitioner was ordered to surrender before the learned trial Court within a period of two weeks before the learned trial Court/Duty Magistrate, vide order dated 23.10.2023 passed by the learned Sessions Judge, Mohali, and on doing so, the petitioner shall be admitted to bail on his furnishing personal bonds in the sum of Rs.40,000/- with one surety of the like amount to the satisfaction of the said Court. However, due to unavoidable circumstances, petitioner could not surrender in compliance of the order dated 23.10.2023. He further submits

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that the petitioner is resident of Bathinda as such, he could not arrange local surety within the stipulated period and now, the petitioner has arranged the surety and is ready to surrender and furnish his surety bonds to the satisfaction of the learned trial Court.

Notice of motion.

Mr. Subhash Godara, Addl.A.G., Punjab puts in appearance and accepts notice on behalf of the respondent-State. He submits that he has no objection in case one last opportunity is granted to the petitioner by allowing the present petition, subject to payment of some costs.

Having heard learned counsel for the parties and on perusal of the record, this Court deems it appropriate to grant one last and final opportunity to the petitioner as he himself come forward and has undertaken to surrender before and join the trial proceedings before the trial Court.

While the scheme of criminal justice system necessitates curtailment of personal liberty to some extent, it is of the utmost importance that the same is done in line with the procedure established by law to maintain a healthy balance between personal liberty of the individual-accused and interests of the society in promoting law and order. Such procedure must be compatible with Article 21 of the Constitution of India i.e. it must be fair, just and not suffer from the vice of arbitrariness or unreasonableness.

Keeping in view the facts and circumstances of the case, sufficient cause has been shown by learned counsel for the petitioner for non-compliance of the order dated 23.10.2023.

The petitioner is directed to appear and surrender before the trial

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Court within a period four weeks from today and on his doing so, he shall be admitted to bail on his furnishing the adequate bail bonds and surety bonds to the satisfaction of the trial Court, along with costs of Rs.10,000/- to be deposited with the District Legal Services Authority, Mohali, for wasting precious time of the Court.

The petition stands allowed accordingly.

(HARPREET SINGH BRAR)
JUDGE

23.01.2024
Neha

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No