

132 **IN THE HIGH COURT OF PUNJAB AND HARYANA**
AT CHANDIGARH

CRM-M-3629-2024

Date of Decision: 23.01.2024

Darshan Singh Brar

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr.Rohit Singla, Advocate, for the petitioner.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 482 of Cr.P.C., is to set aside the impugned order dated 14.07.2023 (Annexure P-5) passed by the Court of Additional Sessions Judge, Bathinda, whereby, the bail order of the petitioner was cancelled and his bail bonds/surety bonds were also ordered to be forfeited to the state and non-bailable warrants were issued against him.

2. Learned counsel for the petitioner contends that the petitioner has been falsely involved in a case FIR No. 206 dated 21.12.2020 under Sections 307, 323, 341 and 34 of IPC(Sections 325 added vide DDR No.23 dated 08.01.2023) and under Sections 25 & 27 of Arms Act (Sections 30/54/59 added and Section 25 omitted vide DDR No.57 (Annexure P-2) dated 25.12.2020), registered at Police Station Civil Lines, Bathinda (Annexure P-1). He further contends that vide order dated 11.01.2021, the petitioner was granted the concession of anticipatory bail by the Court of Additional Sessions Judge, Bathinda. Thereafter, the charge was ordered to be framed against the petitioner on 20.08.2021, vide order Annexure P-3. Learned counsel next contends that

the petitioner was regularly appearing before the trial Court and never misused the concession of bail. However, due to communication gap between the petitioner and his counsel, the petitioner could not appear on 14.07.2023 and the trial Court had cancelled his bail and his bail bonds/surety bonds were ordered to be forfeited to the State. Learned counsel further contends that the absence of petitioner was unintentional and bonafide and the petitioner may be admitted to bail. He further undertakes that the petitioner shall appear on each and every date of hearing and shall not remain absent during the course of trial, without prior permission of the trial Court.

3. Notice of motion.

4. On the asking of the Court, Mr. I.P.S. Sabharwal, DAG, Punjab, who is present in the Court, accepts notice on behalf of the respondent.

5. Learned State counsel submits that the petitioner has absented during the trial, without any justification and the impugned order is correctly passed by the trial Court. Learned State counsel further submits that even after 14.07.2023, the petitioner did not appear before the trial Court and does not deserve any relief from this Court and the petition deserves to be dismissed.

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

7. From a perusal of the order dated 14.07.2023 (Anexure P-5), it is evident that neither the petitioner was present nor was represented by any counsel before the trial Court. Even no application was moved by the petitioner for grant of exemption from personal appearance, before the trial Court. Consequently, the trial Court was left with no other option except the cancel his bail and there is no illegality in the impugned order passed by the trial Court. Even on subsequent dates, the petitioner did not appear before the trial Court

and the impugned orders have been correctly passed by the trial Court.

8. However, keeping in view the fact that the petitioner is a young person and had been regularly appearing before the trial Court earlier, a lenient view is taken in the facts and circumstances of the present case and the petitioner is granted one more opportunity to appear before the trial Court subject to payment of Rs.15,000/- as costs, which shall be deposited with the Punjab and Haryana High Court Bar Association, Chandigarh, Account No.65035682434, within a period of one week from today.

9. 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 interim bail subject to his furnishing bail bonds to the satisfaction of the Trail Court/Duty Magistrate, concerned. The petitioner shall also file an affidavit before the trial Court that he shall appear before the trial Court 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, it shall be viewed seriously and necessary consequences will follow. It is also clarified that in case the petitioner does not deposit the costs of Rs. 15,000/- as mentioned above, the petition shall be deemed to be dismissed.

10. The present petition is allowed.

23.01.2024

hemlata

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No