

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

127

CRM-M No.4600 of 2024
Date of Decision: 30.01.2024

GURJANT SINGH @ JANTA

.....Petitioner(s)

Vs
STATE OF PUNJAB

...Respondent(s)

CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA*

Present: Mr. Arjun Kapur, Advocate
for the petitioner.

Mr. Shubham Kaushik, Asstt. A.G., Punjab.

HARKESH MANUJA, J. (Oral)

[1]. By way of present petition filed under Section 482 Cr.P.C., prayer has been made for setting aside the order dated 21.09.2022 passed by the Judicial Magistrate Ist Class, SAS Nagar (Mohali), whereby the bail bonds/surety bonds of the petitioner were cancelled and forfeited to the State followed by initiation of proceedings under Section 82 Cr.P.C. against him.

[2]. In the present case having been implicated in FIR No.160 dated 08.12.2018 registered under Sections 61-1-14 of Excise Act at P.S. Phase-11, SAS Nagar (Mohali), petitioner was granted concession of regular bail on 21.12.2018 and continued to appear before the Trial Court, thereafter, but for 21.09.2022 on account of certain miscommunication with his lawyer, petitioner could not appear, resulting into cancellation of his bail bonds/surety bonds.

[3]. While impugning the aforesaid order dated 21.09.2022, learned counsel for the petitioner submits that non-appearance of the petitioner was wholly

unintentional as the petitioner never intended to evade the process of law. It has been further submitted that since 21.09.2022 till today, petitioner never indulged himself in any kind of criminal activity and he is ready to surrender before the Trial Court to join the proceedings.

[4]. On the other hand, prayer has been opposed at the instance of learned State counsel while submitting that the petitioner absented himself on 21.09.2022 whereas he has approached this Court only in the month of January, 2024 i.e. after a period of almost 01 year and 04 months and in the meanwhile the Trial Court had initiated all necessary steps to secure presence of the petitioner, but to no effect as the petitioner had been evading the process of law with deliberate intent.

[5]. I have heard learned counsel for the parties and gone through the paper book.

[6]. Though the reason given by the petitioner for his non-appearance does not appear to be plausible yet considering the nature of FIR registered against him besides the fact that he never indulged himself in any kind of criminal activity post 21.09.2022 till date and also that he is ready to join the proceedings before the Trial Court, the order dated 21.09.2022 passed by the Trial Court is set aside; purely in the interest of justice.

[7]. Accordingly, this petition is allowed. The order dated 21.09.2022 passed by the Judicial Magistrate Ist Class, SAS Nagar (Mohali) is hereby set aside and the petitioner is directed to appear before the Trial Court within a period of 07 (seven) days from today and furnish his bail bonds/surety bonds to the satisfaction thereof.

[7]. The aforesaid order, however, shall be subject to payment of cost(s) of Rs.50,000/- (Rupees Fifty thousand only) to be deposited with the Punjab Police Welfare Fund. Till then, no coercive steps be taken against the petitioner.

January 30, 2024	(HARKESH MANUJA)
<i>Atik</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No