

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

CRM-M-4425-2024

Decided on-29.01.2024

GURWAIL SINGH @ GURVAIL SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Prateek Sodhi, Advocate
for the petitioner.

SANDEEP MOUDGIL, J(ORAL)

1. The jurisdiction of this Court under Section 482 Cr.P.C. has been invoked for quashing of impugned/setting aside order dated 15.10.2023 (Annexure P-2) passed by the Learned Additional Sessions Judge, Amritsar, whereby the Learned Court has issued non-bailable warrants of the petitioner on account of non-appearance of the petitioner on October 5, 2023 in the Trial proceedings arising out of FIR No.597 dated 07.12.2017 (Annexure P-2) registered under Section 379-B, 323, 324 and 34 of IPC registered at Police Station Civil Lines, District Police Commissionerate, Amritsar and Section 411 IPC added later.

2. Learned counsel for the petitioner contends that the name of the petitioner added in the FIR only later when the snatched mobile phone was recovered from the petitioner. The Trial Court has already granted the concession of regular bail to the petitioner vide order dated 26.02.2018. However, due to non-appearance of the petitioner before the Trial Court on the date fixed i.e. 05.10.2023, the impugned order was passed, whereby the petitioner was summoned through Non-bailable warrants. It is the specific assertion of the petitioner that there was a

communication gap between Counsel and the petitioner regarding the date, due to which he could not appear before the Trial Court on 05.10.2023 being not aware about the same. It is argued on behalf of the petitioner that he is a law bidding citizen and undertakes not to commit such error in future, rather he would facilitate the progress of trial.

3. Notice of motion.

4. At the asking of Court, Mr. Ramdeep Partap Singh, Senior DAG, Punjab, accepts notice on behalf of respondent-State of Punjab.

5. Heard. Counsel for the respective parties.

6. This Court without going to the hypo-technicality of the matter, is of the view that this is an isolated instance of non appearance of the petitioner that too arising out of miscommunication between him and his Counsel attending the Court proceedings on 05.10.2023. Further, presence of the petitioner would facilitate the proceedings of the Trial.

7. The present petition is disposed of with a direction to the petitioner to surrender before the trial Court within a period of one week from today and in case he files an application for grant of bail before the trial Court, the same shall be decided by it on the same day in accordance with law. However, the aforesaid order/concession to the petitioner shall be subject to payment of Rs.10,000/- as cost to be deposited with the Punjab and Haryana High Court Bar Association, Chandigarh (Account No.65035682434, IFSC Code SBIN0050306) and a receipt of the same be produced before the Trial Court and only in that eventuality application of the petitioner seeking bail be considered by the Trial Court.

Disposed of accordingly.

(SANDEEP MOUDGIL)
JUDGE

29.01.2024
Sham

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