

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-5169-2024 (O&M)
Date of Decision: 29.02.2024

ASHOK MASIH ...Petitioner

Versus

STATE OF PUNJAB ...Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN
Present: Mr. Simranjeet Singh, Advocate for the petitioner.

Mr. Siddharth Attri, AAG, Punjab.

ALOK JAIN, J. (Oral)

1. The present petition has been filed for seeking quashing of the *zimni* order dated 10.01.2024 (Annexure P-3) passed by the Senior Division Judicial Magistrate, Jagraon in FIR No.74 dated 23.04.2019 under Sections 279, 337, 338 and 427 of IPC registered at Police Station Sadar Jagraon, District Ludhiana whereby the bail granted to the petitioner has been cancelled on account of his non-appearance andailable warrants have been issued for 16.04.2024.
2. Learned counsel for the petitioner has submitted that the petitioner was involved in FIR No.74 dated 23.04.2019 under Sections 279, 337, 338 and 427 of IPC and was granted the concession of bail by the trial Court vide order dated 09.03.2021(Annexure P-2) and had been appearing throughout the trial. However, on 10.01.2024, he could not come present on account of his illness and had informed the counsel to seek exemption, but the same could not be done due to paucity of time. Learned counsel for the petitioner further submits that the petitioner shall not absent himself in future and shall abide by the conditions of bail.
3. Notice of motion.
4. Mr. Siddharth Attri, AAG, Punjab, accepts notice on behalf of

5. Considering the fact that seeking detailed reply shall only procrastinate the trial, which is pending since long, the ends of justice would be met if petitioner is granted one opportunity to join the proceedings.
6. Furthermore, the Hon’ble Supreme Court of India in case titled as **“Krishna Sharma @ Krishna Kumar Sharma Vs. The State of West Bengal and another” SLP (Crl.) No. 12829 of 2023**, the relevant extract of which reads as under:

“However, we find that merely because the appellant did not appear personally could not have been a ground for cancellation of bail. The parameters for grant of bail and cancellation of bail are totally different. The bail already granted may be cancelled, if it is found that the person who has been granted the benefit of bail has violated any of the conditions or misused the liberty by influencing the witnesses or tampering with the evidence.”
7. Considering the ratio of law as laid down by the Hon’ble Supreme Court of India, the petitioner is directed to surrender before the trial Court on 16.04.2024, the date already fixed and shall be released on bail by furnishing bail bonds and surety bonds already submitted with a fresh undertaking *qua* the same from the same sureties to the satisfaction of trial Court/CJM/Duty Magistrate concerned.
8. In light of the above, the present petition stands disposed of and the petitioner is imposed with a cost of Rs. 5,000/- to be deposited in **Poor Patients Welfare Fund, PGIMER, Chandigarh**, within two weeks from today.
9. Pending miscellaneous applications also stands disposed of.

February 29, 2024

Mohit Bishnoi

(ALOK JAIN)
JUDGE

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No