

CRM-M-5973-2024

144 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-5973-2024

Date of Decision: 05.02.2024

Samesh Singh @ Billa

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Rehat Bir Singh Mann, Advocate,
for the petitioner.

HARKESH MANUJA, J. (Oral)

1. By way of present petition filed under Section 482 Cr.P.C., prayer has been made for quashing the order dated 04.10.2023 (Annexure P-4) as well as subsequent orders (Annexure P-5 (colly)) passed by the court of Additional Chief Judicial Magistrate, Shri Muktsar Sahib, Punjab, whereby bail of the petitioner was cancelled, besides, forfeiture of bail/surety bonds, followed by issuance of non-bailable warrants against him.

2. Briefly stating, the petitioner was implicated in FIR No.64, dated 28.04.2022, registered under Sections 353, 186 IPC and Section 45 of the Prisons Act, 1894, at Police Station Shri Muktsar Sahib, wherein he was granted the concession of regular bail vide order dated 29.08.2022 passed by the Court of Additional Chief Judicial Magistrate, Sri Muktsar Sahib and thereafter, he was regularly appearing before the Trial Court, but for 04.10.2023, when the petitioner could not appear before the Trial Court, resulting into cancellation of bail and forfeiture of bail bonds/surety bonds

followed by issuance of non-bailable warrants against him vide order dated 04.10.2023. The aforesaid order has been impugned by way of present petition.

3. Learned counsel for the petitioner submits that the petitioner works as labourer and as such, he travels to the neighboring State of Rajasthan to earn his livelihood, therefore, he could not appear before the Trial Court on 04.10.2023.

4. Notice of motion.

5. Mr. Shubham Kaushik, AAG, Punjab, who is present in Court accepts notice on behalf of the respondent-State and opposes the prayer while submitting that the non-appearance of the petitioner before the Trial Court was just to cause delay in the disposal of trial.

6. I have heard learned counsel for the parties and gone through the paper book.

7. The non-appearance of the petitioner before the Trial Court on 04.10.2023 appears to be unintentional and for bonafide reason i.e. he was in Rajasthan for the purpose of earning his livelihood.

8. In view of the above, the present petition is allowed. Order dated 04.10.2023 as well as subsequent orders dated 18.10.2023, 31.10.2023, 14.11.2023, 28.11.2023 and 12.12.2023 (Annexure P-5 colly) are set aside. Petitioner is directed to appear before the Trial Court within a period of 10 days from the date of receipt of certified copy of this order and furnish his fresh bail/surety bonds, which shall be accepted, subject to verification. Till then, no coercive steps be taken against the petitioner.

9. The aforesaid order is subject to payment of costs of Rs.5,000/- to

be deposited with the District Legal Services Authority, Shri Muktsar Sahib,
Punjab, within a period of two weeks from today.

05.02.2024
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Whether speaking/reasoned: yes/no
Whether reportable? yes/no

(HARKESH MANUJA)
JUDGE