

CRM-M No.6293 of 2024

2024:PHHC:015965

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

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CRM-M No.6293 of 2024

Date of Decision: 06.02.2024

SUKHCHAIN SINGH AND ANR.

.....Petitioners

Vs

STATE OF PUNJAB

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. B.S. Bhalla, Advocate
for the petitioners.

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 20.09.2023 passed by the Addl. Sessions Judge, Amritsar, whereby the bail of the petitioners was cancelled and their bail bonds/surety bonds were forfeited to the State.

[2]. In the present case having been implicated in FIR No.179 dated 21.06.2020 registered under Sections 379-B and 34 IPC at Police Station Sadar Amritsar, District Amritsar, petitioners-Sukhchain Singh and Sarabjit Singh @ Sarab granted concession of regular bail on 18.12.2020 and 22.12.2020 respectively and continued to appear before the Trial Court thereafter, but for 20.09.2023 when on account of noting down of wrong date as 30.11.2023, resulted into cancellation of their bail.

[3]. While impugning the aforesaid order dated 20.09.2023, learned counsel for the petitioners submits that non-appearance of the petitioners was

wholly unintentional as the petitioners never intended to evade the process of law.

It has been further submitted that since 20.09.2023 till today, petitioners never indulged themselves in any kind of criminal activity and they are 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 petitioners absented themselves on 20.09.2023 whereas they have approached this Court only in the month of February, 2024 i.e. after a period of almost 04 months and in the meanwhile the Trial Court had initiated all necessary steps to secure presence of the petitioners, but to no effect as the petitioners were evading the process of law with deliberate intent.

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

[6]. Considering the fact that the petitioners could not appear before the Trial Court on 20.09.2023 on account of noting down of wrong date of hearing by them which as per information provided to them was 30.11.2023; besides, nature of FIR registered against them and the fact that they never indulged themselves in any kind of criminal activity post 20.09.2023 till date and also that they are ready to join the proceedings before the Trial Court, the order dated 20.09.2023 passed by the Trial Court is set aside; purely in the interest of justice.

[7]. Accordingly, this petition is allowed. The order dated 20.09.2023 passed by the Addl. Sessions Judge, Amritsar is hereby set aside and the petitioners are directed to appear before the Trial Court within a period of 07 (seven) days from today and furnish their bail bonds/surety bonds to the satisfaction thereof.

[8]. The aforesaid order, however, shall be subject to payment of cost(s) of Rs.5,000/- (Rupees Five thousand only) to be deposited in the Poor Patients Welfare Fund of the PGIMER, Chandigarh.. Till then, no coercive steps be taken against the petitioners.

February 06, 2024	(HARKESH MANUJA)
<i>Atik</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No