

CRM-M No.7872 of 2024

.2024:PHHC:021642

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.7872 of 2024
Date of Decision: 15.02.2024

KIRPAL SINGH

.....Petitioner(s)

Vs

STATE OF PUNJAB

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. B.S. Bhalla, 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 setting aside the order dated 15.11.2023 passed by the Judge Special Court, Amritsar, whereby non-bailable warrants have been issued against the petitioner.

[2]. In pursuance of order dated 10.08.2023 passed by the Judge Special Court, Amritsar, the petitioner having been granted interim bail till receipt of FSL Report, was participating in the proceedings. But for one date i.e. 15.11.2023, petitioner could not appear on account of wrong date of hearing noted down by him when upon receipt of FSL Report, challan was presented; resulting into cancellation of his interim bail and non-bailable warrants were issued against him.

[3]. Impugning the aforesaid order dated 15.11.2023, 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 15.11.2023 till today, petitioner never indulged

himself in any kind of criminal activity and is ready to surrender before the Trial Court to join the proceedings.

[4]. Notice of motion.

[5]. Upon advance notice, Mr. Kewal Singh, Addl. A.G., Punjab accepts notice on behalf of the respondent/State and opposes the prayer made on behalf of the petitioner while submitting that despite having knowledge of pendency of proceedings against him, petitioner chose not to submit himself to the jurisdiction of the Court and, thus, order dated 15.11.2023 passed by the Judge Special Court, Amritsar warrants no interference.

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

[7]. Considering the fact that the petitioner could not appear before the Trial Court on 15.11.2023 on account of noting down of wrong date of hearing by them which as per information provided to them was 23.11.2023 and the fact that he never indulged himself in any kind of criminal activity post 15.11.2023 till date and also that he is ready to join the proceedings before the Trial Court, the present petition is allowed and the order dated 15.11.2023 passed by the Judge Special Court, Amritsar is set aside with a direction to the petitioner to appear before the Trial Court on or before the next date of hearing and furnish his bail bonds/surety bonds to the satisfaction of the Trial Court. The petitioner shall also file an affidavit that he will appear on each and every date of hearing except in case of the exemptions specifically granted by the Court concerned.

[8]. The aforesaid order, however, shall be subject to payment of cost(s) of Rs.20,000/- (Rupees Five thousand only) to be deposited with the District Legal

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Services Authority, Amritsar. Till then, no coercive steps be taken against the petitioner.

February 15, 2024

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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No