

CRM-M-8770-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(127)

CRM-M-8770-2024
Date of Decision:-21.03.2024

Ragbeer Singh @ Raghvir Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Arshdeep Singh Brar, Advocate for the petitioner.

ALOK JAIN, J. (Oral)

1. The present petition has been filed, *inter alia*, praying for setting aside the order dated 02.12.2023 (Annexure P-3), whereby non-bailable warrant had been issued to the petitioner for his non-appearance in case CHI-216-2022 in FIR No.40 dated 22.03.2021, under Sections 420, 406 and 120-B of IPC and offences under Sections 467, 468 and 471 of IPC added later on vide DDR No.34 dated 22.03.2022, registered at Police Station Bhikhi, District Mansa.

2. Learned counsel for the petitioner submits that the petitioner had been granted the concession of bail on 24.09.2022 and, thereafter, had been continuously appearing before the trial Court, however, on account of wrong mentioning of the date, he could not put in appearance on one date and the trial Court has cancelled the bail bonds and forfeited the same, however, he maintains that non-bailable warrants issued vide the impugned

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order dated 02.12.2023 (Annexure P-3) have yet not been executed. He further submits that the petitioner is ready to join the trial and shall also furnish fresh bail/surety bonds and more so, no proceedings for proclamation have been issued.

3. Notice of motion.

4. Mr. Siddharth Attri, AAG, Punjab, accepts notice on behalf of respondent-State.

5. Heard learned counsel for the petitioners.

6. 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.

7. 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."

8. Considering the ratio of law as laid down by the Hon'ble Supreme Court of India, the petitioner is directed to surrender on or before

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the trial Court on **01.04.2024** and shall be released on bail on his furnishing bail/surety bonds to the satisfaction of trial Court/CJM/Duty Magistrate concerned. The trial Court shall consider the restoration of old bail bonds/surety bonds, if not forfeited till date.

9. However, the above concession so granted to the petitioner shall be subject to cost of Rs.5,000/- to be deposited by the petitioner in the ***Poor Patients Welfare Fund, PGIMER, Chandigarh***, within one week from today.

10. With the above observations, the present petition is disposed of.

(ALOK JAIN)
JUDGE

March 21, 2024.
Sandeep

Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No