

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-9045-2024
DECIDED ON: 21.02.2024

GURDEEP SINGH ALIAS DEEPA

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Imraan Farooqi, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 482 Cr.P.C., for quashing the impugned order dated 02.12.2023 (Annexure P-2) and 31.01.2024 (Annexure P-5) passed by Judicial Magistrate 1st Class, Malerkotla in FIR No.125 dated 15.11.2020, under Sections 458, 323, 506, 148, 149, 427, 201 of IPC registered at Police Station Sandaur, District Sangrur (Annexure P-1).
2. Learned counsel for the petitioner contends that the petitioner could not put in appearance on 02.12.2023 on account of recording a wrong date i.e., 12.12.2023 and when he appeared on the date noted by him, as conveyed by counsel engaged before the trial Court, he came to know about the order vide which his bail as well as bail bonds/security bonds stands cancelled and forfeited to the State. The trial Court vide order dated 31.01.2024 has ordered the issuance of proclamation warrants to produce the petitioner on the next date of hearing i.e., 27.03.2024.

3. Considering the fact as narrated in the instant petition as well as submissions made by learned counsel for the petitioner that the absence of the petitioner is only on one isolated instance i.e., on 02.12.2023, which was neither intentional nor deliberate, but has occurred due to bona fide error on account of recording wrong date by the clerk of the counsel appearing on his behalf before the trial Court.

4. In the light of aforesaid facts and circumstances, this Court is duly convinced that the absence of the petitioner might have taken place under a bona fide wrong belief and, therefore, benefit of doubt needs to be given, who is ready and willing to surrender before the trial Court, as has been submitted before this Court today.

5. In the light of above, this Court without issuing notice to the opposite side deems it appropriate to set aside the orders dated 02.12.2023 & 31.01.2024 (Annexures P-2 & P-5 respectively), subject to the undertaking given by the petitioner before this Court through his counsel that he will surrender before the trial Court within a period of one week from today.

6. In case the petitioner surrenders before the trial Court within a period of one week and moves an application seeking bail, the same shall be considered and decided by the trial Court in accordance with law on that very day.

7. However, the aforesaid order/concession to the petitioner shall be subject to payment of Rs.10,000/- as costs to be deposited with the Punjab and Haryana High Court Bar Association, Chandigarh (Account No.65035682434, IFSC Code SBIN0050306) and a receipt of the same be produced before the Trial Court and only in that eventuality application of the petitioner seeking bail be considered by the Trial Court.

8. Petition stands disposed of in the aforesaid terms.

21.02.2024

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(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>