

CRM-M-9744-2024 (O&M)

120 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-9744-2024 (O&M)
Date of Decision: 23.02.2024

PREM SINGH AND ANOTHER

...Petitioners

V/S

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: None for the petitioners.

HARPREET SINGH BRAR J. (Oral)

1. The present petition has been filed under Section 482 of Cr.P.C. seeking quashing of the order dated 13.02.2024 (Annexure P-5) passed by learned Sessions Judge, Gurdaspur in case bearing No. SC/281/2021, whereby the bail granted to the petitioners was dismissed and their bail orders were also cancelled and warrants of arrest were issued for 21.02.2024 in case bearing FIR No. 06 dated 17.01.2020, registered under Sections 307, 148, 149 of Indian Penal Code and Section 25 of Arms Act at Police Station Kahnuwan, District Gurdaspur.
2. In view of the resolution passed by Punjab and Haryana High Court Bar Association, there is no representation on behalf of the petitioners, however, perusal of pleadings would indicate that the present FIR was registered on 14.01.2020 on the allegations that a fight took place between the complainant and petitioners and 2-3 other persons and on the direction of petitioner No. 1, the co-accused Shamsher Singh @ Shera took out a countrymade pistol and pointed the same towards the complainant and fired with the intention to killing the complainant and the basis of aforesaid allegations the present FIR was registered.

3. Pleadings further reveal that the petitioners were facing trial in

the aforesaid case and were granted the concession of bail by learned Additional Sessions Judge, Gurdaspur vide orders dated 20.02.2020 (Annexure P-2) and 05.03.2020 (Annexure P-3) respectively. The petitioners were appearing before the learned trial Court on each and every date but on 13.02.2024, due to noting down of wrong date, petitioners could not appear before the learned trial Court and the learned Court without providing any opportunity to the petitioners, cancelled the bail granted to the petitioners and warrants of arrest were issued against them. It is further contended that non-appearance of the petitioners before the learned trial Court on 13.02.2024 was neither intentional nor willful but was due to wrongly noting down of date of hearing and therefore, prays for setting aside of the order dated 13.02.2024. The petitioners are ready to join proceedings and undertake to remain present on each and every date of hearing.

3. Record of the case perused.

4. A perusal of the case file would reveal that the petitioners herein failed to appear before the learned trial Court on 13.02.2024 as they wrongly noted down the next date of hearing. Moreover, the petitioners are ready to join the proceedings and further undertakes to attend court proceedings on each and every date.

5. In view of the aforesaid facts and circumstances, the impugned order dated 13.02.2024 (Annexure P-5) is set aside. The petitioners are directed to surrender before the trial Court within a period of two weeks and apply for grant of regular bail. On their doing so, the Court concerned shall admit them to bail subject to furnishing bail bonds and surety bonds to its satisfaction along with costs of ₹10,000/- for wasting precious time

of the Court to be deposited with the District Legal Services Authority, Gurdaspur.

6. Needless to say, in case the petitioners fail to comply with the abovesaid direction, the order passed by this Court today shall stand automatically vacated.

7. The instant petition stands allowed in above terms, without issuing notice to the respondent in order to save time of the Court and to avoid litigation expenses to be incurred on the part of the respondent.

8. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

23.02.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No