

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-10977-2024
DECIDED ON:01.03.2024

PANI @ PARKASHO @ PARKASH KAURPETITIONER

VERSUS

STATE OF PUNJABRESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. P.S. Sekhon, Advocate
for the petitioner.

Mr. Rajiv Verma, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 482 Cr.P.C., for quashing of the order dated 14.10.2022 (Annexure P-4) passed by learned Judicial Magistrate Ist Class, Jalandhar vide which, the bail granted to the petitioner has been cancelled with further prayer to quash the impugned order dated 17.02.2024 (Annexure P-5), vide which the petitioner has been summoned through non-bailable warrants of arrest.
2. Learned counsel for the petitioner submits that the petitioner could not appear before the trial Court on 14.10.2022 on account of his arrest in another FIR No. 165, dated 18.09.2022, under Section 379-B and 34 IPC, registered at Police Station Fatehgarh Sahib, as is evident from the order dated 08.02.2024. In the afore-said peculiar facts and circumstances, it is urged that the absence of the petitioner is neither intentional nor deliberate, which is beyond his control.
3. Considering the afore-said facts and circumstances, this Court is convinced that the non-appearance of the petitioner before the trial Court on

14.10.2022 is not deliberate attempt to delay the proceedings of the judicial system and on that account deserves the benefit of doubt.

4. In view of the discussions made hereinabove, the petition is disposed off with a direction to the petitioner to surrender before the trial Court.

5. In case, the petitioner surrenders before the trial Court within a period of one week from today and applies for bail, the same shall be considered in accordance with law on that very day itself.

6. 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 Clerk's Social Welfare Fund Association, Chandigarh and a receipt of the same be produced before the Trial Court at the time of surrender and only in that eventuality application of the petitioner seeking bail shall be considered by the Trial Court.

7. Ordered accordingly.

(SANDEEP MOUDGIL)
JUDGE

01.03.2024
Sham

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