

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM M-10608 of 2024
Date of Decision: 29.02.2024

Surjit Singh @ Sonu ...Petitioner
Versus
State of Punjab ... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Gursimran S. Bawa, Advocate, for the petitioner.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present petition under Section 482 Cr.P.C. with a prayer to quash the order dated 09.10.2023 (Annexure P-4) passed by the Court of Additional Chief Judicial Magistrate, Amritsar, whereby, the bail of the petitioner was cancelled and the bail bonds and surety bonds were ordered to be forfeited to the State.
2. Learned counsel for the petitioner contends that the FIR in the present case was registered on 30.04.2021 and he was granted the concession of regular bail vide order dated 05.05.2021 (Annexure P-2). Thereafter, the challan was presented before the Court on 30.04.2022 and the petitioner was regularly appearing before the trial Court on each and every date of hearing. However, on 09.10.2023, the petitioner could not appear before the Court and his bail was cancelled and the bail bonds and surety bonds were ordered to be forfeited to the State. He further contends that in fact the petitioner is

a drug addict and is suffering from mental illness. By referring to the medical record (Annexure P-5), learned counsel contends that the petitioner was under treatment at the Institute of Mental Health, Amritsar/Drug D-addiction Centre and due to the said reason, he could not appear on the date fixed before the trial Court. Learned counsel further contends that the petitioner is ready to surrender before the trial Court and to join the trial.

3. Notice of motion.

4. On the asking of Court, Mr. I.P.S. Sabharwal, DAG, Punjab accepts notice on behalf of respondent-State.

5. Learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground the petitioner had not appeared intentionally before the trial Court and there is no illegality in the impugned order dated 09.10.2023 passed by the Additional Chief Judicial Magistrate, Amritsar.

5. I have heard learned counsel for the parties and perused the record.

6. It is apparent that the FIR in the present case was registered in the year 2022 and the petitioner is facing the prosecution since then. From the record, it is apparent that on 09.10.2023, the petitioner could not appear before the trial Court and the trial Court had cancelled the bail and the bail bonds and surety bonds were ordered to be forfeited to the State.

7. Taking a lenient view of the matter, the prayer made by the learned counsel for the petitioner is accepted and the petitioner is permitted to surrender before the trial Court/Duty Magistrate within a period of one week from today and on his surrender, he shall be admitted to bail subject to furnishing bail bonds and surety bonds to the satisfaction of the concerned Court.
8. The petitioner shall file an affidavit before the trial Court that he shall appear on each and every date of hearing and shall not remain absent during the trial without prior permission of the trial Court. In case, the petitioner does not appear on any date of hearing before the trial Court without prior permission, it shall be viewed seriously and the necessary consequences will follow.
9. The trial Court/Duty Magistrate shall also be at liberty to impose any other conditions, as it deems fit in the peculiar facts and circumstances of the case.
10. Disposed off.

29.02.2024

amit rana

(N.S.SHEKHAWAT)

JUDGE

Whether reasoned/speaking

:

Yes/No

Whether reportable

:

Yes/No