

CRM-M-11052-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(115)

CRM-M-11052-2024
Date of Decision:-05.03.2024

Gurpreet Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON’BLE MR. JUSTICE ALOK JAIN

Present: Mr. Raman Kumar, Advocate for the petitioner.

Mr. Siddharth Attri, AAG, Punjab.

ALOK JAIN, J. (Oral)

1. The present petition is for quashing of order dated 18.01.2024 (Annexure P-3) passed by learned Additional Sessions Judge, Ludhiana, whereby, the bail of the present petitioner has been cancelled and the bail bonds were forfeited on account of the absence of the petitioner on the date fixed by trial Court in FIR No.139 dated 26.05.2017, registered under Section 379-B IPC at Police Station Dakha, District Ludhiana, and further, the warrants of arrest have been issued against the petitioner.

2. Learned counsel for the petitioner submits that the petitioner was granted the concession of regular bail by the trial Court in the present FIR on 10.08.2017 and thereafter for more than six years the petitioner has been regularly attending the trial and he was even present on 08.12.2023 when the matter was adjourned to 17.01.2024. However, since 17.01.2024

was declared a holiday on account of birthday of “Shri Guru Gobind Singh

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Ji” due to which the Court was not working, he was not aware that his case will be taken up on the very next day and the petitioner was informed by the counsel that next date of hearing will be duly notified. In that backdrop he failed to appear on 18.01.2024 and the impugned order was passed.

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. Although the next date of hearing after 18.01.2024 was 27.02.2024 but the petitioner has approached this Court on the same date and it has been informed by the learned counsel for the petitioner that the next date of hearing before the Court below is 30.04.2024.

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.”

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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 the trial Court on 12.03.2024 and shall be released on bail by furnishing bail bonds and surety bonds to the satisfaction of trial Court/CJM/Duty Magistrate concerned. The trial Court shall consider the restoration of old bail bonds and surety bonds, if not forfeited till date.

9. In light of the above, the present petition stands disposed of and the petitioner is imposed with a cost of Rs. 2,000/- to be deposited in *Poor Patients Welfare Fund, PGIMER, Chandigarh*, within two weeks from today.

(ALOK JAIN)
JUDGE

March 05, 2024
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Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No