

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-12149-2024
Date of Decision:11.03.2024

Kalu ...Petitioner

vs.

State of Punjab ...Respondent

Coram : Hon’ble Mr. Justice N.S.Shekhawat

Present : Mr. Sandeep Sharma, 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 impugned order dated 07.06.2023 (Annexure P-5) passed by the Court of Additional Sessions Judge/JSC Judge-IV, Jalandhar, whereby the bail order of the petitioner was cancelled and the bail bonds and surety bonds of the petitioner were ordered to be forfeited to the State and the petitioner was ordered to be summoned through non-bailable warrants of arrest (in case FIR No. 41 dated 26.03.2022 under Section 379-B of IPC (offence under Sections 411,34 of IPC added later on), Police Station Bhogpur, District Jalandhar Rural.
2. Learned counsel for the petitioner contends that the FIR in the present case was registered on 26.03.2022 and thereafter, he was ordered to be released on bail. Learned counsel further contends that the petitioner was regularly appearing before the Trial Court during the course of trial. He further submits that in fact on 07.06.2023, the petitioner was in custody in some other case and his non-appearance was un-intentional. Due to non-appearance of the

petitioner, the Trial Court had cancelled the bail and the bail bonds and surety bonds were ordered to be forfeited to the State and the petitioner was ordered to be summoned through non-bailable warrants of arrest. Learned counsel further submits that the non-appearance of the petitioner was unintentional and he is ready to surrender before the Court and shall join the trial proceedings. He further contends that the petitioner shall appear on each and every date of hearing, before the Trial Court and shall not absent himself during the Court proceedings.

3. Notice of motion.

4. Mr. I.P.S Sabharwal, DAG, Punjab, who is present in the Court, accepts notice on behalf of respondent-State.

5. Learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the petitioner had not appeared intentionally before the Trial Court and there is no illegality in the impugned order dated 07.06.2023 passed by the Court of Additional Sessions Judge/JSC Judge-IV, Jalandhar.

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

7. 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 07.06.2023, 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.

8. Taking a lenient view of the matter, the prayer made by learned counsel for the petitioner is accepted and the petitioner is permitted to surrender

before the Additional Sessions Judge/JSC Judge-IV/Trial Court/Duty Magistrate within a period of two weeks from today and on his surrender, he shall be admitted to bail subject to furnishing bail bonds and surety to the satisfaction of the concerned Court.

9. At the time of furnishing of bail bonds, the petitioner shall also file an affidavit before the concerned Court that he shall continue to appear before the Court on each and every date of hearing and shall not absent himself during the court proceedings, except with prior permission of the Court.
10. 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 case.
11. The petition stands allowed in the above terms.

11.03.2024
hitesh

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No