

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-13784-2024 (O&M)
DECIDED ON: 02.04.2024

JAGGA SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Raghav Goyal Chandiwalla, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

CRM-14019-2024

This is an application for placing on record the dismissal order passed by learned Court of Judge Special Court, Sri Muktsar Sahib dated 01.12.2023 (Annexure A-1) in quashing petition case No.CRM-M-13784-2024.

For the reasons mentioned in the application, the same is allowed subject to all just exceptions. Annexure A-1 is taken on record.

Application stands disposed off.

CRM-M-13784-2024

The jurisdiction of this Court has been invoked under Section 482 Cr.P.C. for quashing of impugned orders dated 15.05.2023 and 16.08.2023 (Annexures P-9 & P-10), passed by learned Sub Divisional Judicial Magistrate, Gidderbaha in case bearing CHI-85-2020, titled as “State of Punjab versus Jagga Singh” in FIR No.42, dated 12.03.2018, under Section 411 IPC, Police Station Gidderbaha, District Sri Muktsar Sahib

(Annexure P-1), pending for 03.04.2024, whereby the bail of the petitioner stands cancelled and he is summoned through non-bailable warrant.

Learned counsel for the petitioner submits that it is only on one occasion i.e. on 15.05.2023, when the petitioner could not appear before the trial Court, however, he has been continuously appearing on each and every date. He further submits that the absence of the petitioner on the said date i.e. 15.05.2023 is stated to be on account of miscommunication between him and his counsel before the trial Court. Due to his absence on 15.05.2023, his bail stands cancelled and bail/surety bonds were forfeited to the State and he was summoned through non-bailable warrants for 16.08.2023 and now the proceedings under Section 82 Cr.P.C. have been initiated against the petitioner vide order dated 16.08.2023 (Annexure P-10). He further submits that the absence of the petitioner on 15.05.2023 is neither intentional nor deliberate.

He undertakes that the petitioner will surrender before the trial Court and shall join the trial proceedings without any delay or default in future by tomorrow i.e. 03.04.2023.

Notice of motion.

On the asking of the Court, Mr. Rajiv Verma, DAG, Punjab accepts notice on behalf of the respondent-State, who is not averse to the undertaking given by the petitioner that he will surrender before the trial Court.

In view of the above, the petitioner is directed to surrender before the trial Court by tomorrow i.e. 03.04.2023 and apply for regular bail.

In case, such an application for bail is moved by the petitioner before the learned trial Court, the same shall be considered on the same date and decided in accordance with law.

However, it is made clear that in case the petitioner surrenders before the trial Court, the proceedings under Section 82 Cr.P.C. shall be kept in abeyance during the course of trial, if the petitioner continues to attend the proceedings before it.

It is further made clear that in case the petitioner does not abide by the aforesaid undertaking, the respondent/State shall be at liberty to move an appropriate application for revival of the instant petition.

The aforesaid order/concession to the petitioner shall be subject to payment of costs of Rs.10,000/- to be deposited with the Punjab and Haryana High Court Bar Clerk Association, Chandigarh and a receipt of the same be produced before the Trial Court and only in that eventuality, application of the petitioner for seeking bail be considered.

The instant petition is disposed off in the aforesaid terms.

02.04.2024
Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>