

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-13768-2024
DECIDED ON: 03.04.2024**

JATINDER SINGH @ HAPPY

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Ms. Menka Gupta, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 482 Cr.P.C. for quashing/setting aside the impugned order dated 06.02.2024 (Annexure P-4), passed by learned Chief Judicial Magistrate, Amritsar in case No.CHA/547/2023, vide which non-bailable warrants were issued for 18.04.2024 in case FIR No.63, dated 21.01.2023, under Section 153, 174-A of Railway Act, 1989, registered at Police Station RPF Amritsar, District Amritsar (Annexure P-1).

Learned counsel for the petitioner submits that it is only on one occasion i.e. on 06.02.2024, when the petitioner could not appear before the trial Court, however, he has been continuously appearing on each and every date. She further submits that the absence of the petitioner on the said date i.e. 06.02.2024 is stated to be on account of miscommunication between him and his counsel before the trial Court as he had wrongly noted the date as 09.02.2024 instead of 06.02.2024. Due to his absence on 06.02.2024, his bail stands cancelled and bail/surety bonds were forfeited to the State and he

was summoned through non-bailable warrants for 18.04.2024, which has now been assailed before this Court.

She relies upon a judgment of this Court in CRM-M-25822-2023 titled as “*Major Singh @ Major versus State of Punjab*” and a judgment of Delhi High Court in “*Geeta Sethi versus State*”, 2001(3) RCR (Criminal) 171 and undertakes that the petitioner will surrender before the trial Court and shall join the trial proceedings without any delay or default in future.

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.

This Court while bearing in mind that surrendering of the petitioner and his association in the trial proceedings would only facilitate to speed up the trial to take it to a logical conclusion at the earliest and in that endeavor, the petitioner is directed to surrender before the trial Court within a period of one week from today 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 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 Clerks 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 of in the aforesaid terms.

03.04.2024
Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

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