

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

**CRM-M-14318-2024
DECIDED ON:20.03.2024**

JASBIR SINGH @ KAKA

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Sahej Mahajan, Advocate for
Mr. Jagjit Singh Chatrath, Advocate
for the petitioner.

Mr. Rajiv Verma, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 482 Cr.P.C., for quashing of the order dated 16.11.2023 (Annexure P-3) passed by Judicial Magistrate Ist Class, vide which, bail order of the petitioner stands cancelled and bail bonds/surety bonds were forfeited to the State on account of non-appearance on 16.11.2023, in FIR No. 50, dated 29.03.2017, under Sections 21(1), 4(1) of Mines and Minerals Regulation and Development Act and Sections 379, 411 of the Indian Penal Code, 1860 and Section 181 of Motor Vehicles Act, registered at Police Station Sadar Kharar.

2. Learned counsel for the petitioner submits that it is only on an isolated instance when he could not appear before the trial Court on 29.09.2023 & 16.11.2023, as there was a medical exigencies in his family. The non-appearance of the petitioner is neither willful nor deliberate but only on account of the medical exigencies and he is ready and willing to surrender before the trial Court.

3. Considering the afore-said facts and circumstances, this Court is convinced that the non-appearance of the petitioner on 29.09.2023 & 16.11.2023 before the trial is neither intentional nor deliberate, who is ready and willing to join

the proceedings which would facilitate the furtherance of the same especially wherein, the allegation is that the petitioner along-with his co-accused was found doing illegal mining without any permission of licence. This Court is also conscious of the fact that the petitioner has been regularly appearing before the trial Court and it was on an isolated instance.

4. In view of the discussions made hereinabove, the petition is disposed off with a direction to the petitioner to surrender before the trial Court.
5. In case, the petitioner surrenders before the trial Court within a period of one week from today and applies for bail, the same shall be considered in accordance with law on that very day itself.
6. However, the aforesaid order/concession to the petitioner shall be subject to payment of Rs.10,000/- as costs to be deposited with the Punjab and Haryana High Court Bar Association, Chandigarh and a receipt thereof, be produced before the Trial Court at the time of surrender and only in that eventuality application of the petitioner seeking bail shall be considered by the Trial Court.
7. Ordered accordingly.

20.03.2024
Sham

(SANDEEP MOUDGIL)
JUDGE

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