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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-15158-2024

Date of decision: 01.04.2024

Sukhwinder Kaur and Another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. J.S. Sekhon, Advocate for the petitioners.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioners seeking quashing of order dated 08.01.2024 Annexure P-5 whereby bail/surety bonds of both the petitioners were cancelled and ordered to be summoned through non bailable warrants of arrest for 26.02.2024 by the learned trial Court, on account of absence of the petitioner before the said Court and order dated 26.02.2024 Annexure P-6 vide which the Court concerned has initiated proclamation proceedings against the petitioners with direction to appear before the said Court on 30.04.2024.

2. The counsel for the petitioners has submitted that petitioner No.1 was granted regular bail vide order dated 17.02.2021 Annexure P-2 while petitioner No.2 was granted anticipatory bail vide order dated 10.08.2021 Annexure P-3 by this Court and thereafter, the petitioner were

regularly appearing before the trial Court but got absented on 08.01.2024 and this was first default on part of the petitioners and the trial Court cancelled bail/surety bonds in a hasty manner and further passed order Annexure P-6 without making any satisfaction that petitioners have absconded or are intentionally concealing themselves to avoid execution of warrants. The counsel for the petitioner further submits that both the petitioners are ready to join the proceedings before the trial Court.

3. Notice of motion.

4. Mr. J.S. Dhaliwal, AAG, Punjab, accepts notice on behalf of the State and has supported the impugned orders Annexure P-5 and Annexure P-6.

5. I have considered the submissions made by counsel for the parties.

6. From the perusal of the record, it appears that initially FIR in this case was registered under Sections 323, 325, 148, 149 IPC. Offence under Section 3(1) of SC & ST Act was added later on. It is also evident that earlier the petitioners were granted bail by this Court vide orders Annexure P-2 and Annexure P-3 and thereafter, they were appearing before the trial Court on each and every date of hearing but failed to appear before the trial Court on 08.01.2024 and consequently, learned trial Court passed impugned order Annexure P-5 whereby bail/surety bonds of petitioners were cancelled. In the given circumstances, the trial Court should have exhausted other methods to secure attendance of petitioner before passing such harsh order. Impugned order Annexure P-6 also off shoot of earlier order Annexure P-5. Admittedly, in the present case, no plausible reason

has been given by the counsel with regard to absence of petitioners before the trial Court on 08.01.2024.

7. In the light of the above, without expressing any opinion on the merits of the case, the present petition is hereby disposed of with direction to the petitioners to appear before the trial Court on or before the next date fixed in the trial and on their doing so, the petitioners are directed to be released on regular bail by the said Court to its own satisfaction subject to costs of Rs.3,000/- each to be deposited by the petitioners with the District Legal Services Authority, Hoshiarpur.

01.04.2024

Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No