

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

126

CRM M-17836 of 2024

Date of Decision:10.04.2024

Sandeep Singh

...Petitioner

Versus

The State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. G.S.Dhindsa, 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 order dated 06.01.2023 (Annexure P-3) and all consequential proceeding passed by Additional Sessions Judge, Patiala, in case FIR No. 198 dated 07.11.2020 under Section 379-B IPC (Section 411 of IPC was added later on) registered at Police Station Anaj Mandi, District Patiala.

2. Learned counsel for the petitioner contends that the petitioner was granted the concession of regular bail on 17.12.2020 by the Court of Sessions Judge, Patiala, vide order (Annexure P-2). However, due to communication gap, the petitioner could not appear before the trial Court on 06.01.2023 and his bail order was ordered to be cancelled and bail bonds and surety bonds were ordered to be forfeited to the State. Learned counsel for the petitioner is ready to

appear the trial Court and shall not remain absent during the trial in future.

3. Notice of motion.

4. On the asking of Court, Mr. I.P.S. Sabharwal, DAG, Punjab accepts notice on behalf of respondent-State.

5. Mr. Sabharwal, has vehemently opposed the submissions made by learned counsel for the petitioner that the petitioner was involved in one more criminal case and intentionally did not appear before the trial Court. He further contends that a person, who is evading the process of law, is not entitled to any concession from this Court and the present petition is liable to be dismissed.

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

7. From the perusal of the impugned order (Annexure P-3), it is apparent that on 06.01.2023, neither the petitioner appeared in person nor his counsel was present before the trial Court. Consequently, the Court was left with no other option except to cancel his bail order and to order forfeiture of bail bonds and surety bonds. Even, this Court finds that the impugned order passed by the trial Court is perfectly legal and no illegality has been pointed out by the learned counsel for the petitioner.

8. At this stage, learned counsel appearing on behalf of the petitioner contends that the petitioner is a young boy aged about 27

years and is a labourer. He further contends that a lenient view may be taken in the present case. The prayer made by the learned counsel for the petitioner is accepted subject to the payment of costs of Rs. 15,000/-, which shall be deposited in the Punjab and Haryana High Court Bar Clerks' Association within a period of 02 weeks from today. The petitioner is directed to appear before the trial Court within a period of 02 weeks and on his appearance, he shall be admitted to bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court. The petitioner shall also file an affidavit before the trial Court that he shall appear on each and every date of hearing and shall not remain absent during the trial without prior permission of the Court. The trial Court shall also be at liberty to impose such conditions as it may deem fit and appropriate in the present case.

8. The petition stands disposed off.

10.04.2024

amit rana

(N.S.SHEKHAWAT)

JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No