

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM M-17808 of 2024
Date of Decision:10.04.2024

Lovedeep Singh @ Manna Singh @ Manna ...Petitioner
Versus
State of Punjab ... Respondent

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

Present : Mr. Vishva Bahl, 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 07.10.2023 (Annexure P-4) and all consequential proceeding passed by Additional Sessions Judge, Amritsar, in case Fir No. 0258 dated 18.09.2022 under Sections 307, 323, 324, 341, 506, 148, 149 and 120-B IPC registered at Police Station Jandiala, District Amritsar Rural.
2. Learned counsel for the petitioner contends that the petitioner was granted the concession of anticipatory bail vide order dated 19.12.2022 (Annexure P-2) and was regularly appearing in the Court of Additional Sessions Judge, Amritsar till 14th July, 2023. He further contends that one more case, i.e., FIR No. 231 dated 30.08.2023 under Sections 160, 336, 148 and 149 of Indian Penal

Code and Section 25 of Arms Act was registered at Police Station Jandiala, Amritsar Rural and due to the registration of the said FIR, the petitioner could not appear on 31.08.2023. He further contends that due to communication gap between him and his counsel, again on 07th October, 2023, the petitioner could not appear before the Court and his bail order was ordered to be cancelled and his bail bonds and surety bonds were ordered to be forfeited to the State. Learned counsel further contends that now the dispute arising out of the FIR No. 231 of 2023 has already been compromised between the parties vide compromise deed (Annexure P-10) and the petitioner is ready to join the trial in the present case. Learned counsel further undertakes that the petitioner shall appear on each and every date of hearing before the trial Court and shall not absent, without prior permission.

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 record, it is apparent that on 31.07.2023, the petitioner did not appear before the trial Court and was absent during the trial, without sending any intimation to the trial Court. Even, on 07th October 2023, neither the petitioner was present nor his counsel had appeared before the trial Court and the trial Court had correctly cancelled his bail order and the bail bonds and surety bonds were also ordered to be forfeited to the State. In fact, the petitioner has not been able to point out any illegality in the impugned orders (Annexure P-3 and P-4) dated 31.08.2023 and 07.10.2023, respectively passed by the trial Court. At this stage, learned counsel for the petitioner contends that the petitioner is young boy aged about 28 years and is a daily wager employee. He further contends that he is the sole bread earner of the family and 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