

[125] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-19024-2024
Date of Decision : 19.04.2024

Kuldeep Singh ...Petitioner

versus

State of PunjabRespondent

Coram : **HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present : Mr. Barjinder Singh, Advocate for the petitioner.

GURVINDER SINGH GILL, J. (ORAL)

[1] The petitioner assails order dated 07.03.2024 vide which learned Additional Sessions Judge upon finding that the petitioner was absent without intimation proceeded to cancel his bail bonds/surety bonds.

[2] Learned counsel for the petitioner submits that the absence of the petitioner on 07.03.2024 was the first instance of default on his part and that he had regularly been appearing before the trial Court on all the dates ever since 02.11.2019 till date. Learned counsel has annexed as many as 82 zimni orders recorded by the trial Court indicating regular presence of the petitioner before the trial Court.

[3] Having heard learned counsel for the petitioner, the instant petition is disposed of directing the petitioner to surrender before the trial Court and to move an appropriate application for grant of regular bail.

[4] Needless to mention, the trial Court while disposing of the application shall duly take into account the observations made in concluding paragraph of judgment passed by this Court in CRM-M-39172 of 2021 titled

Pawan Kumar Vs. State of Haryana and another decided on 21.09.2021,
which reads as under:

“12. Before parting with this order, it needs to be added that this Court cannot lose sight of the fact that there would be certain cases where an accused is unable to appear before the trial Court on account of genuine reasons, say on account of having noted the date incorrectly or on account of certain reasons which are beyond his control. In such cases, the accused can surrender before the trial Court and it is expected that the trial Courts would take a lenient view in genuine cases and decide the regular bail application expeditiously. In a given set of circumstances where the trial Court is satisfied that there were valid reasons for the absence of an accused and that he has surrendered at the shortest possible time, the trial Court can in fact dispose of the regular bail application on the very day the same is presented by accused upon his surrender. The trial Court, in its discretion, may also chose to grant interim bail, in fit cases, but only after surrender of accused.”

[5] It also goes without saying that while disposing of the application and while considering as to whether the matter is to be decided on the same day itself, the trial Court shall take into account the previous record of the petitioner as regards his appearance before the trial Court.

[6] The petition stands disposed of accordingly.

(GURVINDER SINGH GILL)
JUDGE

19.04.2024
'R. Sharma'

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