

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-19471-2024
DECIDED ON: 22.04.2024

GURTEJ SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Nirmaljit Singh Sidhu, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 482 Cr.P.C. for quashing/setting aside the impugned orders dated 28.04.2023, 19.07.2023, 11.10.2023, 07.12.2023 and 19.01.2024 (Annexures P-3 to P-7), respectively passed by the learned Court of JMIC Talwandi Sabo, Bathinda whereby non-bailable warrants were issued against the petitioner in FIR No.50, dated 27.02.2020, under Sections 420, 465, 467, 471 and 120-B of IPC, 1860, registered at Police Station Talwandi Sabo, District Bathinda, Punjab.

Learned counsel for the petitioner contends that the challan was presented before the trial Court on 29.01.2024 without securing the presence of the petitioner as no notice qua that was ever issued while referring to order of even date (Annexure P-8) and on that day, the petitioner having no knowledge of the same, failed to appear before the trial Court and on account of his absence, summons were issued for 23.04.2024. He further

contends that even before 29.01.2024, non-bailable warrants were issued against the petitioner on 19.01.2024.

He further contends that the petitioner is ready and willing to surrender before the trial Court and associate himself with the trial proceedings thereafter.

Considering the aforesaid submission, notice of motion is issued.

On the asking of the Court, Mr. Rajiv Verma, DAG, Punjab accepts notice on behalf of the respondent-State, who is not opposed to the submissions of the learned counsel for the petitioner that he is ready and willing to surrender before the trial Court assuring that he will fully cooperate and associate himself in the trial proceedings thereafter.

Considering the aforesaid submissions and the bona fide shown on behalf of the present petitioner, his absence before the trial Court on the date mentioned hereinabove is not seem to be intentional or deliberate but has taken place due to inadvertent and bona fide error.

In the light of the fact that no notice has ever been issued to the petitioner for presentation of challan and to appear before the trial Court, he is directed to surrender before the trial Court within a period of one week from today and apply for regular bail.

In case, such an application for bail is moved by the petitioner before the learned trial Court, the same shall be considered on the same date and decided in accordance with law.

However, it is made clear that in case the petitioner does not abide by the aforesaid undertaking, the respondent/State shall be at liberty to move an appropriate application for revival of the instant petition.

The petitioner cannot be absolved of his responsibility of delaying the trial proceedings on account of his absence which may be neither intentional nor deliberate to an accused or law abiding citizen, who is expected to adhere to the process of law with utmost caution against whom an FIR is pending investigation, deserves to deposit a costs of Rs.10,000/- with the Punjab and Haryana High Court Bar Clerks Association, Chandigarh and a receipt of the same be produced before the Trial Court and only in that eventuality, application of the petitioner for seeking bail be considered.

The instant petition is disposed of in the aforesaid terms.

22.04.2024
Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

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