

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

CRM-M-20836-2024

Date of Decision : **30.04.2024**

GURJANT SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Lovish Rattan, Advocate,
for the petitioner.

Mr.Pardeep Bajaj, DAG, Punjab.

KULDEEP TIWARI, J.(Oral)

1. The instant petition has been filed under Section 482 of the Cr.P.C. for quashing of the impugned order dated 30.09.2021 (Annexure P-4), passed by the learned trial Court concerned, in case FIR No.39, dated 20.04.2020, under Section 379 of the IPC, registered at Police Station Gharinda, District Amritsar, whereby, the bail of the petitioner has been cancelled, and bail bonds/surety bonds have been forfeited to the State.

2. Learned counsel for the petitioner submits that the petitioner was earlier extended by the benefit of bail by the learned trial Court concerned, during the period of Covid-19 pandemic, vide order dated 02.05.2020, and thereafter, on resumption of proceedings, the petitioner was not properly served, therefore, petitioner was not aware about the present proceeding, and as a consequence to his non-appearance on dated 30.09.2021, the impugned order has been passed for cancellation of his bail.

3. Though the learned counsel for the petitioner has herein, challenged the impugned order (*supra*), however, he could not cite any illegality or perversity therein. Therefore, he submits that the petitioner is ready and willing to join the trial court proceedings, in case he is granted an adequate protection.

4. Notice of motion.

5. Mr. Pardeep Bajaj, DAG, Punjab, accepts notice on behalf of respondent-State and vociferously opposed the asked for relief to the present petitioner.

6. This Court has heard the learned counsel for both the parties concerned, and has gone perused the entire case file.

7. Though this Court is not inclined to grant the asked for relief to the petitioner, as the petitioner remained absent from the trial court proceedings, since September, 2021, and there is no infirmity in the impugned order (*supra*), however, purely in the interest of justice, and also considering the fact that the petitioner's presence would facilitate the conclusion of trial, this Court grants an opportunity to the petitioner to surrender before the learned trial Court concerned within 15 days from today, subject to payment of costs of Rs.5,000/-, to be deposited with the District Legal Services Authority concerned.

8. In case, the petitioner surrenders before the learned trial Court concerned within 15 days from today, and thereupon, moves an application for grant of regular bail, the learned trial Court concerned, shall make efforts to decide the said application on the same day, on its

own merits, by giving adequate opportunity of hearing to the both parties concerned.

9. The arrest of the petitioner shall remain stayed until 15 days from today.

10. However, in case, the petitioner fails to appear before the learned trial Court concerned within 15 days from today, the protection as granted hereinabove, *qua* his arrest shall *ipso facto* be vacated, without any further reference to this Court.

11. **Disposed of** accordingly.

April 30, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No