



122

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

CRM-M-21636-2024

Date of decision: 14.05.2024

Ravi Kumar

...Petitioner

Versus

State of Punjab and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Sudesh Sahi, Advocate for the petitioner.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner seeking quashing of order dated 26.07.2023 Annexure P-3 passed by the Court of Judicial Magistrate Ist Class, Sunam whereby the bail bonds/surety bonds of petitioner were cancelled and he is directed to be summoned through non bailable warrants of arrest in a criminal case having FIR No. 59 dated 10.06.2021 under Section 323, 341, 379-B, 34, 148, 149 of IPC, at Police Station Chhajli, District Sangrur (Annexure P-1) on account of the absence of petitioner before the trial Court on that date.

2. Counsel for the petitioner submits that after his arrest, petitioner was granted regular bail by the Court concerned and thereafter, the petitioner was regularly appearing before the trial court but due to certain medical conditions, he is failed to appear before the said Court on 26.07.2023 and this was single default on the part of the petitioner. That however, the trial Court while acting in a hasty manner, cancelled the bail bonds/surety bonds of the petitioner and passed impugned order Annexure P-3. Counsel for the petitioner further submits that the absence of the petitioner on a particular date i.e. 26.07.2023 before the trial Court was not intentional and even now the petitioner is ready to join the proceedings in the trial at the earliest. Counsel for the petitioner further submits that in

CRM-M-21636-2024

[2]

order to show his bonafide, at the first instance, petitioner approached the Court of learned Additional Sessions Judge, Sangrur by moving an application under Section 438 Cr.P.C. but the said application is dismissed by the Court concerned vide order Annexure P-4 dated 08.02.2024 with observation that the bail application is not maintainable.

3. Notice of motion.

4. Mr. J.S. Dhaliwal, AAG, Punjab accepts notice on behalf of the State and submits that petitioner got absented without any intimation to the trial Court and consequently impugned order dated 26.07.2023 Annexure P-3 was passed by the said Court in accordance with law and there is no perversity or illegality in the impugned order.

5. I have considered the submissions made by counsel for the parties.

6. In light of the fact that prior to passing of the impugned order, the petitioner was enlarged on regular bail and this was single default on part of the petitioner which resulted in passing of the impugned order Annexure P-3, and further the petitioner is willing to join the proceedings before the trial Court without any delay, the present petition is hereby disposed of without expressing any opinion on the merits of the case with direction to the petitioner to appear before the trial Court within next 10 days and on his doing so, the petitioner is directed to be released on regular bail by the said Court to its own satisfaction, subject to cost of Rs.5,000/- to be deposited by the petitioner with the District Legal Services Authority concerned.

7. The present petition stands disposed of in aforesaid terms.

14.05.2024

Yogesh

**(KARAMJIT SINGH)
JUDGE**

**Whether speaking/reasoned:-
Whether reportable:-**

**Yes/No
Yes/No**