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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-21943-2024
DECIDED ON: 02.05.2024

HARVINDER SINGH @ CHAIBI

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Malkiat S. Hundal, Advocate
for the petitioner.

Mr. Rajiv Verma, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. Through the instant petition under section 482 Cr.P.C., the counsel for the petitioner prays for quashing of the impugned order dated 19.12.2023(Annexure P-5) passed by the Addl Sessions Judge, Amritsar, whereby the bail granted to the petitioner vide order dated 11.08.2017(Annexure P-2) has been cancelled and his bail bonds and surety bonds have been forfeited. Further, nonailable warrants have also been issued against him.

2. Learned counsel for the petitioner asserts that the petitioner along with his co accused is involved in FIR NO.200 dated 29.06.2017 u/s 379-B, IPC registered at Amritsar, wherein he was granted regular bail by Addl. District and Sessions Judge, Amritsar vide order dated 11.08.2017 after which he has been appearing regularly on every date before the trial court but could

not put in appearance on 19.12.2023 on account of his arrest in another case bearing Rapat no. 25 dated 07.12.2023, u/s 107, 151 IPC, registered at P.S Verka, Amritsar wherein he was granted bail on 20.12.2023 and for this reason he failed to inform his counsel. He further asserts that vide order dated 19.12.2023, nonailable warrants were issued against him for 18.03.2024 which got un-served and again, fresh nonailable warrants are issued for 06.06.2024.

3. The counsel for the petitioner vehemently argues that the absence of the petitioner was neither willful nor intentional, rather it was *bona fide* and he further undertakes not to remain absent on any date of hearing in the trial court.

4. Notice of Motion.

5. On the asking of court, Mr. Rajiv Verma, DAG, accepts notice on behalf of the Respondent-State.

6. After hearing the submissions made by the counsel for the petitioner and perusal of the record, it is abundantly clear that the petitioner's absence on 19.12.2023 before the trial court was inevitable and beyond his control with no *mala fide* intention to evade the presence at the trial court. Therefore this court deems it appropriate to grant him another opportunity to appear before the trial court within 20 days from today and in the meanwhile, his arrest shall be stayed for the next 20 days from today.

7. In addition, in case he moves an application for grant of bail, the same shall be considered and decided expeditiously in accordance with law on that very day.

8. There is no denial to the fact that due to petitioner’s act, delay has occurred in trial proceedings and has caused prejudice to the other side and to compensate the delay which is caused by the petitioner alone, the petitioner is directed to deposit costs of Rs.10,000/- before the Punjab and Haryana High Court Bar Clerks Association 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.
9. 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.
10. Accordingly, the petition stands disposed of.

02.05.2024
Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

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