



CRM-M No.27559 of 2024

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

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CRM-M No.27559 of 2024

Date of decision : 28.5.2024

Inderjit Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Prince Pasricha, Advocate, for the petitioner

Mr. Rajiv Verma, DAG, Punjab

SANDEEP MOUDGIL, J (ORAL)

The petition has been filed under Section 482 Cr.P.C. for quashing/setting aside the order dated 8.5.2024, Annexure P-10, passed by Additional Sessions Judge, Kapurthala, whereby suspension of sentence of the petitioner has been cancelled on account of his non-appearance in appeal, CRA-90 of 2022, arising out of Case No. NACT/185/2017, decided on 24.8.2022.

2. Learned counsel for the petitioner contends that the petitioner is a rustic villager and on the date fixed for hearing could not put in appearance on account of the fact that the case was transferred to some other Court which was not in the knowledge of the petitioner. The absence from the appearance is stated to be neither intentional nor deliberate which occurred due to inadvertent and bona fide error on the part of the petitioner though he was present in the court premises itself but



due to mis-communication between the counsel representing him in the trial Court and lack of knowledge about transfer of appeal to the other Court, i.e. to the Court of Sanjay Agnihotri, Additional Sessions Judge, to another Court of Additional Sessions Judge, Kapurthala. It is on account of his absence on 8.5.2024, the suspension of sentence was ordered to be cancelled.

3. Learned counsel for the petitioner before this Court undertakes that he is ready and willing to surrender before the Appellate Court to associate in the trial proceedings within a period of one week from today itself.

4. In the light of above, having regard to the reasons mentioned in the petition as well as argued before this court, this Court is duly convinced that the absence of the petitioner is neither intentional nor deliberate but has occurred due to bona fide error in the circumstances arising out of the change of Court of Additional Sessions Judge, whereby his appeal was being heard earlier.

5. Now the petitioner has given an undertaking to join the proceedings after surrendering to the law which would only facilitate the ponderance of Court proceedings and help in expediting the proceedings for final adjudication. This Court is of the considered view that in the light of circumstances discussed as above, the petitioner deserves to be given one opportunity to surrender and join the proceedings before the Appellate Court as undertaken by him, i.e., within a period of one week from today.

6. Hence, the order dated 8.5.2024 is set aside subject to surrender

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of the petitioner within one week from today.

7. It is further observed that in case any application for bail is moved by the petitioner, the same may be considered and decided by the Court in accordance with law on that very day itself.
8. The petition in the aforesaid terms is allowed.

(SANDEEP MOUDGIL)
JUDGE

28.5.2024
Ashwani

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