

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

125

CRM-M-31011-2024

Date of Decision : July 03, 2024

CHETAN GHAI

-PETITIONER

V/S

STATE OF PUNJAB

-RESPONDENT

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Ms. Bhupinder K. Bhangu, Advocate
for the petitioner.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition, as instituted under Section 482 of the Cr.P.C., a prayer is made for setting aside the order dated 06.05.2024 (Annexure P-3), as passed by the learned Chief Judicial Magistrate, Kapurthala, whereby, the bail of the petitioner, as granted vide order dated 03.07.2023, has been cancelled and his bail bonds have been forfeited. In addition, non bailable warrants have also been issued against the petitioner.
2. The learned counsel for the petitioner submits that the absence of the petitioner before the learned trial Court was neither intentional nor wilful, rather was *bona fide*. What led to the petitioner remaining unrepresented before the learned trial court on the relevant date, was that, his then counsel inadvertently noted down wrong next date of hearing.
3. Although the learned counsel for the petitioner has herein challenged the impugned order (Annexure P-3), however, he could not cite any illegality or perversity therein. Therefore, he submits that the petitioner does not have any intention to escape from the clutches of law, rather he is

ready and willing to join the trial proceedings, in case he is granted adequate protection.

4. Considering the submissions made hereinabove and the innocuous prayer of the learned counsel for the petitioner, although this Court does not find any illegality or perversity in the impugned order (Annexure P-3), however, taking a lenient view, this Court, at this stage, deems it appropriate to grant an opportunity to the petitioner to appear before the learned trial Court.

5. Consequently, the instant petition is disposed of with a direction to the petitioner to appear before the learned trial Court concerned within 7 days from today. In case, the petitioner appears within the above stipulated period and makes an application for grant of bail, the learned Judge concerned shall make an endeavour to decide the said application on the same day itself, while taking a sympathetic and lenient view. The arrest of the petitioner shall remain stayed only till next 7 days. However, in case, the petitioner fails to appear before the learned trial Court concerned within the above stipulated period, the protection granted hereinabove *qua* his arrest shall stand *ipso facto* vacated, without any further reference to this Court.

6. Disposed of accordingly.

July 03, 2024
devinder

(KULDEEP TIWARI)
JUDGE

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