



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

CRM-M-31825-2024

Date of decision : 08.07.2024

Sukhchain Singh

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Vikasdeep Singh, Advocate for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

Prayer in the present petition is for quashing of impugned order dated 09.02.2024 (Annexure P-2) passed by the Court of Learned Additional Sessions Judge, Kapurthala, whereby bail bonds and surety bonds of the petitioner has been wrongly cancelled and forfeited to the State and non-bailable warrants of arrest has been issued to the petitioner due to his non-appearance in case No.SC/214/2022 titled as 'State of Punjab Vs. Gurdev Singh and others' arising out of FIR No.30 dated 03.05.2022, under Sections 307, 427, 148, 149 of IPC and under Section 25, 27 of Arms Act, registered at Police Station Kabirpur, District Kapurthala.

It has been contended by counsel for the petitioner that petitioner was regularly appearing before the trial Court. However, he moved an application through counsel for exemption from personal appearance on 09.02.2024 because they had to go to Chandigarh Courts to attend the proceedings in another case, but the same was declined by the trial Court and his bail order was cancelled. He submits that the petitioner has no criminal antecedents and he is ready to join the proceedings and abide by the terms and conditions of bail.

Notice of motion to official respondent only.



On asking of the Court, Mr. Tarun Aggarwal, Sr. D.A.G., Punjab accepts notice on behalf of the respondent-State.

Learned State counsel has opposed the submissions made by learned counsel for the petitioner and has stated that the trial Court has rightly cancelled the bail granted of the petitioner who remained absent on 09.02.2024 without any valid reason.

After hearing counsel for the petitioner and perusing the record, it is apparent that the petitioner remained absent on one day i.e. on 09.02.2024 and his bail was cancelled and bail bonds were forfeited to the State and non-bailable warrants of arrest were issued without going into the validity of the reason given by the petitioner for his non-appearance and keeping in view the fact that the petitioner is keen to join the proceedings. The present petition is disposed of and the order dated 09.02.2024 is *set aside* subject to payment of Rs.10,000/- as costs to be deposited in the Poor Patients' Welfare Fund, PGIMER, Chandigarh by the petitioner in one week from today. In case, the petitioner appears and surrenders before the Court concerned within a period of 10 days from today and files an application for bail alongwith receipt of abovesaid costs, the Court concerned is directed to admit him to bail subject to its satisfaction and proceed with the trial in accordance with law. He will have protection from arrest for a period of 10 days from today.

Needless to say that in case the petitioner fails to comply with the abovesaid direction, he will have no benefit of abovesaid protection granted by this Court and order under challenge dated 09.02.2024 would come in force.

08.07.2024

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(RAJESH BHARDWAJ)

JUDGE

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