

2024:PHHC:088398



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM M-33539 of 2024
Date of Decision: 16.07.2024

Rupinder Singh		...Petitioner
	Versus	
State of Punjab		... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Abnash Singh, Advocate, for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present petition under Section 482 Cr.P.C. with a prayer to quash the order dated 03.07.2024, (Annexure P-4) passed by the Court of Additional Sessions Judge, District SAS Nagar, whereby, the bail bonds and surety bonds of the petitioner have been cancelled and have been ordered to be forfeited to the State.

2. Learned counsel for the petitioner contends that the petitioner had been wrongly arrayed as an accused in case FIR No. 80 dated 09.05.2023 under Section 382, 411, 395 and 171 IPC (later on added offence under Section 392 IPC) registered at Police Station Mataur, District SAS Nagar and was granted the concession of regular bail on 25.07.2023 by the Court of Additional Sessions Judge, SAS

Nagar. He further contends that since 16.12.2023, the case was listed for framing of charge against the accused in the present case and the petitioner was regularly appearing before the trial Court. On one date, i.e., 04.06.2024, the petitioner could not appear and was granted the exemption from personal appearance before the trial Court. Further, on 03.07.2024, the petitioner was suffering from food poisoning, still, he attended the Court. However, after reaching the Court, his health further deteriorated and he had to leave the Court to consult a doctor. By referring to the prescription slip dated 03.07.2024 (Annexure P-3), learned counsel submits that the petitioner had gone to the doctor without informing his counsel. Consequently, his counsel could not move an appropriate application for exemption from personal appearance and due to his non-appearance, the impugned order was passed by the trial Court. Learned counsel further contends that the petitioner will regularly appear before the trial Court and shall also abide by all the conditions, which may be imposed upon him.

3. On advance notice, Mr. I.P.S. Sabharwal, DAG, Punjab, has appeared and has vehemently opposed the submissions made by learned counsel for the petitioner. Learned State counsel submits that the petitioner had not appeared before the trial Court intentionally and does not deserve any relief from this Court.

4. I have heard learned counsel for the parties and perused the record.

5. Since, the petitioner had not appeared before the trial Court, the trial Court was perfectly justified in cancelling the bail bonds and surety bonds of the petitioner and forfeiting the same to the State. However, it is also apparent from the record that the petitioner could not appear before the trial Court on account of his ill health. Consequently, taking a lenient view of the matter, the petitioner is directed to surrender before the trial Court within a period of one week from today and on his appearance, he shall be admitted to bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

6. The petitioner shall also file an affidavit before the trial Court that he shall appear on each and every date of hearing and shall not remain absent during the trial without prior permission of the trial Court. In case, the petitioner does not appear on any date of hearing before the trial Court without prior permission, it shall be viewed seriously and the necessary consequences will follow.

7. The petition stands allowed in the above terms.

16.07.2024
amit rana

(N.S.SHEKHAWAT)
JUDGE

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