

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

CRM-M-34555-2024

Date of Decision: 22.07.2024

Gurdev Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

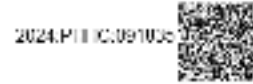
CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

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

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for quashing of the order dated 09.02.2024 (Annexure P-2) passed by learned Additional Sessions Judge, Kapurthala vide which the bail bonds and surety bonds of the petitioner have been wrongly cancelled and forfeited to the State and non-bailable warrants of arrest have been issued against the petitioner due to his non-appearance in a 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 Section 307, 427, 148, 149 IPC and Section 25 and 27 of the Arms Act, 1959, registered at Police Station Kabirpur, District Kapurthala.

2. It has been contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present FIR. He submits that petitioner was arrested and was granted regular bail by this Court vide order dated 12.11.2022. He submits that on 09.02.2024, the petitioner was to appear in Court at Chandigarh, so, he filed an application for exemption from personal appearance before the trial Court, which was declined and his bail was cancelled and bail bonds were forfeited to the State and he was ordered to be summoned through non-bailable warrants. He submits that



absence of the petitioner was totally unintentional and due to the circumstances beyond his control as he could appear and attend the Court at one place at one point of time. He further submits that the petitioner is ready to appear before the trial Court and join the proceedings and abide by all the terms and condition, if any imposed by this Court while granting him bail during trial

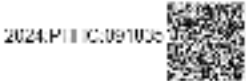
3. Notice of motion.

4. Mr. Tarun Aggarwal, Sr. DAG, Punjab accepts notice on behalf of the State.

5. Heard. After hearing learned counsel for the parties and perusing the record, it is evident that on 09.02.2024, the petitioner remained absent as he had to appear in other Court at Chandigarh and his bail was cancelled and bail bonds/surety bonds were forfeited to the State. In these circumstances, when the petitioner is ready to join the proceedings and to face the trial, the order dated 09.02.2024 is set aside subject to payment of Rs.10,000/- as cost to be deposited with the Poor Patients' Welfare Fund, PGIMER, Chandigarh by the petitioner within a period of one week from today.

6. The petitioner is directed to appear before the trial Court within a period of 10 days from today and produce the receipt of abovesaid cost alongwith appropriate application and the trial Court would grant him bail during trial on his furnishing fresh bail/surety bonds to its satisfaction. The petitioner will have protection from arrest for a period of 10 days.

7. Needless to say that in case the petitioner fails to comply with the abovesaid direction, this order would be of no avail and the order dated



09.02.2024 will come in force.

22.07.2024
sharmila

Whether Speaking/Reasoned
Whether Reportable

(RAJESH BHARDWAJ)
JUDGE
: Yes/No
: Yes/No