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

**CRM-M-38483-2024
DATE OF DECISION: 04.09.2024**

HAPPY ALIAS HAPPY SINGH ...PETITIONER

Versus

STATE OF PUNJAB ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Naveen Kumar, Advocate with
Mr. P.K.S. Phoolka, Advocate for the petitioner(s).

Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

This petition has been filed under Section 482 Cr.P.C. has been filed for quashing/setting aside the impugned order dated 09.11.2022 passed by ASJ, Bathinda in trial case No.CIS no. CRA/127/2020 in CNR PBBT01002238/2020, (Annexure P-2) whereby the bail bond and surety bond of petitioner has been cancelled and non-bailable warrants have been issued in Criminal Appeal No. CRA-127 of 2020; titled as 'Happy Vs. State of Punjab' in case FIR No. 28 dated 27.03.2014, under Section 304- A, 279, 337, 338, 427 of IPC, Police station Cantt., Bathinda, District Bathinda, against the petitioner.

Learned counsel for the petitioner submits the petitioner could not appear in Court on one date since due to the acute financial and family difficulties, the petitioner went outside to earn his livelihood, therefore, could not appear and vide order dated 09.11.2022

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bail bond and surety bond of petitioner has been cancelled and his non-bailable warrants were issued and vide order dated 08.07.2024, fresh non-bailable warrants have been issued against the petitioner and notice to the surety has also been issued for 09.09.2024.

Learned counsel for the petitioner further submits that the petitioner did not had any intention to avoid attendance in the Court proceedings otherwise he was appearing regularly on each and every date before the Court. He undertakes that the petitioner will surrender before the trial Court and shall join the trial proceedings without any delay or default in future.

Notice of motion. On the asking of the Court, learned State Counsel accepts notice on behalf of the respondent-State, who is not averse to the undertaking given by the petitioner that he will surrender before the trial Court.

Considering the submissions made by learned counsel and also in appreciation of the fact that it will only speed up the proceedings before the Trial Court which is one of the essence as enshrined under Article 21 of the Constitution of India, the petitioner is directed to surrender before the trial Court within a period of one week week from today and apply for regular bail.

In case, such an application for bail is moved by the petitioner before the learned trial Court, the same shall be considered on the same date and decided in accordance with law.



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However, it is made clear that in case the petitioner does not abide by the aforesaid undertaking, the respondent/State shall be at liberty to move an appropriate application for revival of the instant petition.

The aforesaid order/concession to the petitioner shall be subject to payment of costs of Rs.10,000/- to be deposited with the Punjab and Haryana High Court Bar Clerk Association, Chandigarh and a receipt of the same be produced before the Trial Court and only in that eventuality, application of the petitioner for seeking bail be considered and decided on the same day in accordance with law.

The instant petition is disposed of in the aforesaid terms and the impugned order dated 09.11.2022 is set aside.

(SANDEEP MOUDGIL)
JUDGE

04.09.2024
anuradha

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