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

CRM-M-36148-2024**DATE OF DECISION: 30.07.2024****JASKARAN SINGH ALIAS LOVELY ...PETITIONER****Versus****STATE OF PUNJAB****... RESPONDENT****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Kulwinder Singh, Advocate for the petitioner(s).
 Mr. Rajiv Verma, DAG, Punjab.

*********SANDEEP MOUDGIL, J (ORAL)**

The jurisdiction of this Court has been invoked under Section 482 Cr.P.C., for seeking quashing/setting aside of the order dated 31.01.2024 vide which bail bonds and surety bonds of the petitioner have been cancelled and forfeited and non-bailable warrants have been issued.

Learned counsel for the petitioner submits the petitioner was granted regular bail by the lower Court vide orders dated 08.01.2021 and 03.02.2021. He further submits that the petitioner could not come present before the Court on some dates as wife of the petitioner was pregnant and was facing health issues. Her date of delivery was 11.02.2024 and there was none to take care of her as they were disowned by the family members. Due to this reason, the petitioner could not appear on 20.07.2023, 11.09.2023, 19.10.2023, 13.12.2023 and 31.01.2024. Vide order dated 20.07.2023 the petitioner was issued notice for non-appearance and his bailable warrants were issued vide orders dated 11.09.2023 and 19.10.2023.



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Further, on 13.12.2023 his non-bailable warrants were issued and on 31.01.2024, his bail bonds were cancelled.

Learned counsel for the petitioner 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.

Though the assertions made in the petition and the oral submissions made by counsel for the petitioner do not inspire confidence of this Court yet considering 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.

Further, it is made clear that in case the petitioner does not abide by the aforesaid undertaking, the respondent/State shall be at



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liberty to move an appropriate application for revival of the instant petition.

However, the aforesaid order/concession to the petitioner shall be subject to payment of costs of Rs.20,000/- to be deposited with the Punjab and Haryana High Court Bar Clerk Association, Chandigarh for causing delay in the trial proceedings, for wasting time of the Court and causing prejudice to the complainant who has suffered for no fault on his part. 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.

(SANDEEP MOUDGIL)
JUDGE

30.07.2024
anuradha

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>