

2024.PHHC:095999



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

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CRM-M-35733-2024 (O&M)
Date of decision: 30.07.2024

Baljeet Singh **...Petitioner**

Versus

State of Punjab **...Respondent**

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Karanjeet Singh Brar, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 482 of Cr.P.C. for setting aside the order dated 01.05.2024 (Annexure P-4), passed by the Judicial Magistrate First Class, Bathinda, whereby personal/surety bonds of the petitioner have been cancelled and forfeited to State and non-bailable warrant of arrest has been issued against him in case FIR No. 52 dated 30.04.2023, registered under Section 379 of IPC at Police Station Sangat, District Bathinda.
2. Learned counsel for the petitioner submits that the petitioner was granted the concession of anticipatory bail by the Court of learned Additional Sessions Judge, Bathinda, vide order dated 31.05.2023. He was regularly attending the Court proceedings. However, he could not appear before the trial Court on 15.03.2024 and the case was adjourned to 01.05.2024 but he could not appear before the Court even on the said date

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due to noting down a wrong date. Consequently, the impugned order has been passed by the trial Court cancelling the personal/surety bonds of the petitioner and non-bailable warrants have been issued against him. It is further submitted that vide order 02.07.2024, due to non-appearance of the petitioner, proclamation under Section 82 of Cr.P.C. have been issued against the petitioner for 23.08.2024. Learned counsel further submits that the non-appearance of the petitioner before the trial Court was not intentional and he is ready to surrender before the trial Court and apply for grant of fresh bail. Hence, it is urged that the petition deserves to be allowed.

3. Learned State counsel, who has advance notice of the petition, has submitted that the non-appearance of the petitioner was intentional and he has not appeared before the trial Court even on subsequent dates leading to initiation of proceedings under Section 82 of Cr.P.C. against him. However, she has not disputed the fact that this is the first default on the part of the petitioner.

4. After hearing learned counsel for the parties, without commenting anything on the merits of the case, considering the fact that the petitioner was earlier granted concession of anticipatory bail by the Court of learned Additional Sessions Judge and he is ready to join the proceedings, the present petition is disposed of with a direction to petitioner to appear before the trial Court within a period of 15 days from today and on doing so, the trial Court will release him on bail, subject to his furnishing fresh bail/surety bonds to its satisfaction.

5. Till the time the petitioner appears before the trial Court, his

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arrest shall remain stayed.

6. However, this relief will be subject to a condition that petitioner will deposit a cost of Rs. 10,000/- with the District Legal Services Authority, Bathinda.

30.07.2024

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No