

2024:PHHC:097977



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM M-36893 of 2024
Date of Decision: 01.08.2024

Raj Singh @ Raju ...Petitioner
Versus
State of Punjab ... Respondent

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

Present : Mr. Munish Gulati, Advocate, for the petitioner.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita with a prayer to set-aside the impugned order dated 16.07.2024 passed by the Judge, Special Court, Ferozepur (Annexure P-9), whereby, the bail order was cancelled and the bail bonds and the surety bonds of the petitioner were forfeited to the State due to the non-appearance of the petitioner.
2. Learned counsel for the petitioner contends that the FIR in the present case was registered on 21.12.2020 and since the report of the chemical examiner was not received, the petitioner was ordered to be released on *interim* bail on 3rd February 2021 vide order (Annexure P-2). Thereafter, the petitioner was continuously appearing on each and every date of hearing before the trial court. He further

contends that the trial Court ordered framing of charge against the petitioner vide order dated 01.10.2022 (Annexure P-4). Thereafter, on 27.03.2023 and 28.07.2023, the petitioner moved applications for exemption from personal appearance, which were allowed by the trial Court. Again on 29.01.2024, the petitioner did not appear before the trial Court and the case was adjourned due to non appearance of a witness. On 08.05.2024, the petitioner again moved an application for exemption from personal appearance, which was allowed. He appeared on 17.05.2024 before the Special Court and due to non appearance of a witness, the case was adjourned to 16.07.2024. Learned counsel further contends that the petitioner had noted a wrong date, i.e., 26.07.2024 instead of 16.07.2024 and due to this, the petitioner could not appear before the trial Court on 16.07.2024 and his bail order was cancelled and he was ordered to be summoned through non-bailable warrants. Learned counsel submits that the petitioner shall appear on each and every date of hearing and shall not remain absent without the permission of the trial Court.

3. Notice of motion.

4. On the asking of Court, Mr. I.P.S. Sabharwal, DAG, Punjab. accepts notice on behalf of respondent-State. Learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that the petitioner did not

appear before the trial Court and does not deserve any leniency by this Court.

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

6. After perusing the records, this Court finds that there is no illegality in the impugned order 16.07.2024 (Annexure P-9) passed by the Court of Special Judge, Ferozepur. However, taking a lenient view of the matter, the petitioner is directed to surrender before the trial Court within a period of 10 days 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.

7. The petitioner shall 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.

8. Disposed off.

01.08.2024
amit rana

(N.S.SHEKHAWAT)
JUDGE

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