

278 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.39364 of 2023 (O&M)
Date of decision : 23.01.2024

Kuntal Sachdeva Petitioner

versus

State of Punjab Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. J.S.Dadwal, Advocate
for the petitioner.

Mr. Kunal Vinayak, AAG, Punjab.

PANKAJ JAIN, J. (ORAL)

1 While issuing notice of motion on 10.08.2023, the following
order was passed :-

*“Petitioner herein prays for setting aside the order dated
26.05.2023 passed by Ld. Judge, Special Court, Ludhiana.*

*Petitioner is facing prosecution in FIR No.0025, dated
05.02.2020 registered for the offences punishable under Sections
323, 341, 148, 149, 506(2) IPC, 1860 and lateron added Sections
307, 379-B(2), 212, 216, 120-B, 325 IPC, at Police Station Dugri,
Ludhiana.*

*The petitioner moved an application seeking exemption from
personal appearance. However the same was declined vide order
dated 26.05.2023 and the bail bonds and surety bonds of the accused
were ordered to be cancelled and forfeited to the State and his
presence was sought to be effected through Non Bailable Warrants.*

*Counsel for the petitioner submits that after application
seeking exemption from personal appearance was moved, the Court
ought to have granted an opportunity to the petitioner to appear
instead of ordering cancellation of his bail bonds. He further submits
that the presence of the petitioner was not deliberate and has been*

explained in Para No.4 of the petition that the same was on account of heavy rain.

Issue notice of motion returnable for 16.10.2023.

In the meantime, operation of the impugned order dated 26.05.2023 shall remain stayed subject to the condition that the petitioner shall appear before the Trial Court on the next date of hearing i.e. 22.08.2023.”

2 Learned counsel for the petitioner has placed on record orders passed by Judge Special Court, Ludhiana/Addl. Sessions Judge, Ludhiana to demonstrate that the petitioner appeared before the trial Court. He undertakes that the petitioner shall continue to appear before the trial Court without any fault.

3 In view of above, order dated 10.08.2023 is made absolute.

4 Disposed off accordingly.

(PANKAJ JAIN)
JUDGE

23.01.2024
Pooja sharma-I

Whether speaking/reasoned	Yes
Whether Reportable :	No