



CRM-M-40091-2024

-1-

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

CRM-M-40091-2024 (O&M)

Date of Decision: 13.11.2024

Sham Lal

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Parvinder Singh, Advocate, for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)CRM-44254-2024

For the reasons mentioned in the application the same is allowed. The main case is taken up on board for hearing today itself.

Main case

1. Prayer in the present petition is for quashing of the order dated 16.08.2023 (Annexure P-4) passed by learned Additional Sessions Judge, Hoshiarpur, whereby, bail of the petitioner has wrongly and illegally cancelled and the surety bonds stands forfeited in FIR No.08, dated 03.02.2021, under Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957 and Section 379 IPC, registered at Police Station Garhshankar, District Hoshiarpur.

2. It has been contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case. He submits that the petitioner was granted bail by learned trial Court on 18.02.2021 and he was duly appearing before it. He submits that however, only on one date i.e. on 16.08.2023, the petitioner failed to appear before the trial Court due to mis-communication with his counsel and on the very same date, his bail



CRM-M-40091-2024

-2-

was cancelled and his bail/surety bonds were forfeited to the State and now proclamation has been issued. He submits that absence of the petitioner was totally unintentional and due to the circumstances beyond his control. He further submits that the petitioner is ready to appear before the trial Court and abide by all the terms and condition, if any imposed by this Court.

3. Learned State counsel has opposed the submissions made by counsel for the petitioner and has submitted that the learned trial Court has rightly cancelled the bail of the petitioner as he failed to appear before it.

4. Heard.

5. After hearing learned counsel for the parties and perusing the record, it is evident that due to mis-communication with his counsel, the petitioner failed to appear before the trial Court on 16.08.2023 and on account of which his bail was cancelled and bail bonds/surety bonds were forfeited to the State. In these circumstances, when the petitioner is ready to join the trial and face the proceedings, the order dated 06.08.2023 is set aside subject to payment of Rs.10,000/- as cost to be paid to Sadhna Society for Mentally Handicapped, Near Housing Board Chowk, Raen Basera Building, Manimajra, Sector 13, Chandigarh by the petitioner within period of seven days from today.

6. The petitioner is directed to appear before the trial Court within a period of ten days from today and file an appropriate application alongwith receipt of costs and the trial Court would grant him bail till the disposal of the case on his furnishing fresh bail/surety bonds to its satisfaction. The petitioner will have protection from arrest for a period of 10 days from today. The trial Court is free to impose any condition on the

petitioner while admitting him to bail.

7. Needless to say that in case the petitioner fails to comply with the abovesaid direction, this order would be of no avail to him and the order dated 16.08.2023 will come in force and the present petition shall be deemed to have been dismissed.

8. Petition stands disposed of in abovesaid terms.

13.11.2024			(RAJESH BHARDWAJ)
sharmila			JUDGE
	Whether Speaking/Reasoned	:	Yes/No
	Whether Reportable	:	Yes/No