



CRM-M-39535-2024

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**123 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M-39535-2024

Date of decision: 14th August, 2024

Varinder Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. B.S. Bhalla, Advocate for the petitioner.

Mr. A.S. Samra, AAG, Punjab.

MANISHA BATRA, J (ORAL):-

Prayer in this petition has been made by the petitioner for setting aside the order dated 03.06.2024 passed by the Court of learned Sessions Judge, Moga thereby cancelling the bail of the petitioner and forfeiting his personal/surety bonds.

2. The petitioner is facing trial for commission of offences under Sections 336, 341, 379-B and 427 of IPC in case arising out of FIR No. 115 dated 29.06.2019 registered at Police Station City South, District Moga, before the Court of learned Sessions Judge, Moga. On 03.06.2024, he absented himself due to which his bail was cancelled and bonds were forfeited to State. It has also been revealed that vide order dated 07.08.2024,



proceedings under Section 82 of Cr.P.C. have been ordered to be initiated as against the present petitioner.

3. It is submitted by learned counsel for the petitioner that absence of the petitioner on 03.06.2024 and on the subsequent two dates of hearing was not intentional, but was *bonafide* as while on appearing before the learned trial Court on 14.05.2024, the Clerk of his counsel has given him the next date of hearing as 14.08.2024 and due to that reason, he did not appear before the trial Court on 03.06.2024, 06.07.2024 and then on 07.08.2024. He came to know about the impugned order only when the police raided his house on 05.08.2024. The petitioner wants to join the proceedings. Prayer has been made for setting aside the impugned order and for allowing him to join the proceedings before the trial Court.

4. A perusal of the copies of the orders passed by learned trial Court on 03.06.2024, 06.07.2024 and 07.08.2024, which have been reproduced in the petition, it is revealed that on 14.05.2024, the case was adjourned to 03.06.2024 by the learned trial Court and due to absence of the petitioner, his bail was cancelled. The petitioner is willing to join the proceedings. The main purpose for issuing of warrants of arrest or even issuing proclamation proceedings against an accused is to secure his presence. Keeping in view the circumstances as explained in the petition, though this Court finds no illegality in the order dated 03.06.2024, however, to secure the ends of justice, direction is given to the petitioner to surrender before the learned trial Court within a period of fifteen days and on his doing



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so, the learned trial Court shall admit him to bail, subject to his furnishing personal and surety bonds to its satisfaction.

5. A copy of this order be sent to the concerned Court.

[MANISHA BATRA]
JUDGE

14th August, 2024
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |