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

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Date of Decision: August 29, 2024

Sahil Atwal

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

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

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RAJESH BHARDWAJ, J.(ORAL)

Prayer in the present petition is for quashing the impugned order dated 09.04.2024 passed by learned Additional Sessions Judge, Ludhiana, vide which learned trial Court issued non-bailable warrants of arrest of petitioner in FIR No.70, dated 17.06.2022, under Sections 399, 402 IPC, registered at Police Station Division No.4, District Ludhiana.

Learned counsel for the petitioner has submitted that the petitioner was on regular bail in the above-mentioned case and was facing trial regularly. However, the petitioner could not appear before the Court on one date, i.e. 09.04.2024, as he was on bed rest due to accident occurred on 13.10.2023 in which he got multiple injuries. He remained admitted in PGI,

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Chandigarh also and forgot to inform his counsel regarding the same and hence his bail bonds and surety bonds were cancelled and forfeited to State and warrants of arrest had been issued against him. It is submitted that non-appearance of the petitioner before the trial Court was neither wilful nor intentional and hence he prays to quash the order dated 09.04.2024. It is further submitted that petitioner is ready to appear and face trial.

Notice of motion.

On asking of the Court, Mr.Tarun Aggarwal, Sr.DAG, Punjab. who is present in Court, accepts notice on behalf of the respondents/State. He has stated that the trial Court has rightly cancelled the bail bonds/surety bonds of the petitioner as he failed to appear before on the date fixed.

Heard.

Keeping in view the facts that the petitioner remained absent on one date, i.e. 09.04.2024 and the reason for the same has been given by him that he had met with an accident and was on bed rest, remained admitted in the PGI and now he is keen to join the proceedings so, order dated 09.04.2024 is set aside subject to payment of Rs.5,000/- as costs to be deposited with the Poor Patients' Welfare Fund, PGIMER, Chandigarh, by the petitioner within a period of 15 days from today. In case, the petitioner appears and surrenders before the Court concerned within a period of 15 days from today and produce receipt of abovesaid costs and files an application for bail, the Court concerned would admit him to bail subject to its satisfaction. He will have protection from arrest for a period of 15 days from today. Needless to say that in case the petitioner fails to comply with



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granted by this Court and order under challenge dated 09.04.2024 would come in force.

August 29, 2024
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(RAJESH BHARDWAJ)
JUDGE

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