



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

284

CRM-M-45482-2023 (O&M)

Date of Decision:- 22.07.2024

KULDEEP KUMAR

...Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Mohit Sadana, Advocate
for the petitioner (appearing through VC).

Mr. Adesh Pal Singh, AAG Punjab.

SANJIV BERRY, J. (ORAL)

1. By way of present petition preferred under Section 482 Cr.P.C., the petitioner has sought quashing of impugned order dated 10.05.2022 (Annexure P-6) passed by learned Additional Chief Judicial Magistrate, Sangrur, whereby the bail of the petitioner was cancelled and his bail/surety bonds were forfeited to the State and the petitioner was ordered to be summoned through non-bailable warrant of arrest in case FIR No.35 dated 24.03.2021 registered under Section 61 and 78 of the Punjab Excise Act, 1914, at Police Station Sadar Sangrur, District Sangrur.

2. Learned counsel for the petitioner has submitted that in compliance to the order dated 13.09.2023 passed by this Court, the petitioner has appeared in the Court and furnished his requisite bail bonds. He has placed on record copy of the order dated 14.09.2023 passed by learned



Judicial Magistrate First Class, Sangrur whereby the petitioner has been admitted on interim bail by the learned trial Court.

3. Learned State counsel has not disputed the aforesaid factum.
4. Heard.
5. During the course of proceedings on 13.09.2023, the following order was passed.

“ 2. Learned counsel for the petitioner, inter alia, contends that the petitioner had been granted concession of bail and he had been regularly appearing in the Court but on 10.05.2022 he could not appear in Court due to ill health and had intimated the Clerk of his counsel who, however, did not intimate this fact to the Court concerned leading to cancellation of his bail and issuance of non-bailable warrants of arrest. He has also placed on record the latest order dated 31.08.2023 passed by Judicial Magistrate, 1st Class, Sangrur, to submit that now the fresh non-bailable warrants of arrest had been issued for 31.10.2023. He further prays that the petitioner is ready and willing to surrender before the Court and if granted the concession of bail he will regularly appear on each and every date and will not misuse the concession of bail.

3. Notice of motion.

4. On the asking of the Court, Ms. Swati Batra, DAG, Punjab, who is present in Court accepts notice on behalf of the respondent/State and prays for time to file short reply.

5. Short reply to the petition be filed on or before the next date of hearing with an advance copy to the counsel opposite.

6. List on 28.09.2023.

7. After hearing the respective submissions and considering the averments made in the petition, the petitioner is directed to appear in the trial Court within 07 days from today. In the event of the arrest of the petitioner, he shall be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner will also furnish the specific undertaking in the Court that in future he will appear on each and every date without fail and only in case of extreme exigency he will move an application seeking exemption from the Court, which will



be considered by learned Court in accordance with law”

6. Keeping in view the fact that the petitioner has already appeared before the learned Trial Court and furnished his requisite bail/surety bonds consequent to the order dated 13.09.2023, passed by this Court, the present petition is allowed. The order dated 10.05.2022 (Annexure P-6) passed by learned Additional Chief Judicial Magistrate, Sangrur is set aside and the interim bail granted vide order dated 13.09.2023 is hereby confirmed.
7. The petition stands allowed.
8. Pending applications, if any, shall also stand disposed of.

(SANJIV BERRY)
JUDGE

22.07.2024
S.Sharma(syr)

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |