



CRM-M-46959-2024

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

CRM-M-46959-2024

Date of Decision: 19.09.2024

Lakhwinder Singh

..... Petitioner

Versus

The State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Ms. Malkit Kaur, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for quashing of the impugned order dated 13.10.2023 (Annexure P-5) passed by learned Sub Divisional Judicial Magistrate, Dera Bassi, vide which the bail of the petitioner was cancelled and bail bonds were forfeited to the State and for quashing of impugned order dated 13.06.2024 passed by learned Sub Divisional Judicial Magistrate, Dera Bassi, vide which non-bailable warrants have been issued against the petitioner for 20.09.2024 in a case FIR No.391, dated 31.08.2022, registered under Section 61 of Punjab Excise Act, 1914, Police Station Zirakpur, SAS Nagar, Mohali.

2. It has been contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present FIR. She submits that the petitioner was granted bail and thereafter, he appeared before the trial Court regularly. She submits that on account of noting of wrong date, neither the petitioner nor his counsel could appear before the trial Court on 13.10.2023 due to which his bail was cancelled and bail bonds were forfeited to the State. She has further submitted that on 13.06.2024, the



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petitioner was summoned through non-bailable warrants. She submits that absence of the petitioner was totally unintentional and due to the circumstances beyond his control. She further submits that the petitioner is ready to appear before the trial Court and join the proceedings and also abide by all the terms and condition, if any imposed by the Court.

3. Notice of motion.

4. Mr. Tarun Aggarwal, Sr. DAG, Punjab accepts notice on behalf of the State. He has submitted that the bail bonds/surety bonds of the petitioner were rightly forfeited by the State as he failed to appear in the Court on the date fixed.

5. After hearing learned counsel for the parties and perusing the record, it is evident that on 13.10.2023, due to non-appearance of the petitioner, his bail was cancelled and bail bonds/surety bonds were forfeited to the State and thereafter on 13.06.2024, non-bailable warrants were issued against him. In these circumstances, when the petitioner is ready to join the proceedings and to face the trial, the orders dated 13.10.2023 and 13.06.2024 are 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 seven days from today.

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

8. Needless to say that in case the petitioner fails to comply with

the abovesaid direction, this order would be of no avail and the orders under challenge will come in force.

19.09.2024			(RAJESH BHARDWAJ)
sharmila			JUDGE
	Whether Speaking/Reasoned	:	Yes/No
	Whether Reportable	:	Yes/No