



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-55009-2024 (O&M)
Date of Decision:07.11.2024

Manga ...Petitioner

vs.

State of Punjab ...Respondent

Coram : Hon’ble Mr. Justice N.S.Shekhawat

Present : Mr. Geeteshwar Saini, Advocate
for the applicant-petitioner.

Mr. I.P.S Sabharwal, DAG, Punjab.

N.S.Shekhawat J. (Oral)

CRM-43767-2024

1. This is an application filed under Rule 3(A)(I) of Chapter VI, Part-B, Volume-V, of the High Court Rules and Orders, seeking leave to file the present petition.
2. For the reasons mentioned in the application, the same is allowed as prayed for.

Main case

1. The petitioner has filed the present petition under Section 528 of B.N.S.S with a prayer to quash the impugned order dated 13.08.2024 (Annexure P-3) passed by the Court of Judicial Magistrate Ist Class, Gurdaspur, whereby the bail of the petitioner was cancelled and the bail bonds and surety bonds were ordered to be forfeited to the State and the petitioner was ordered to be summoned through non-bailable warrants of arrest.

2. Learned counsel for the petitioner contends that the petitioner was falsely involved in the FIR, which was registered on 26.10.2023 and thereafter, he was ordered to be released on bail vide order dated 02.01.2024 (Annexure P-2). Learned counsel further contends that the petitioner was regularly appearing before the Trial Court and never misused the concession of bail. However, he could not appear before the Trial Court on 13.08.2024, as he was not aware of the proceedings pending against him before the Trial Court. Due to non-appearance of the petitioner, the Trial Court had cancelled the bail and the bail bonds and surety bonds were ordered to be forfeited to the State and the petitioner was ordered to be summoned through non-bailable warrants of arrest. Learned counsel for the petitioner next contends that the petitioner is ready to surrender before the Court and shall join the trial proceedings. He further contends that the petitioner shall appear on each and every date of hearing, before the Trial Court and shall not absent himself during the Court proceedings.

3. Notice of motion.

4. Mr. I.P.S Sabharwal, DAG, Punjab, who is present in the Court, accepts notice on behalf of respondent-State.

5. Learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the petitioner had not appeared intentionally before the Trial Court and there is no illegality in the impugned order dated 13.08.2024 (Annexure P-3) passed by the Court below and the petitioner does not deserve the concession of bail.

6. I have heard the learned counsel for the parties and perused the record.

7. It is not in dispute that that the petitioner was on bail earlier and was regularly appearing before the Trial Court, however, on 13.08.2024, he could not appear before the Trial Court, as he was not aware of the proceedings pending against him before the Trial Court. Thus, taking a lenient view of the matter, the petitioner is permitted to surrender before the Trial Court/Duty Magistrate within a period of two weeks from today and on his surrender, he shall be admitted to bail subject to furnishing bail bonds and surety to the satisfaction of the concerned Court.

8. At the time of furnishing of bail bonds, the petitioner shall also file an affidavit before the concerned Court that he shall continue to appear before the Court on each and every date of hearing and shall not absent himself during the Court proceedings, except with prior permission of the Court.

9. The Trial Court/Duty Magistrate shall also be at liberty to impose any other conditions, as it deems fit in the peculiar facts and circumstances of case.

10. The petition stands allowed in the above terms.

(N.S.SHEKHAWAT)
JUDGE

07.11.2024
hitesh

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No