

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

CRM-M-64505-2023 (O&M)

Date of Decision: 16.01.2024

Gurpreet Singh

...Petitioner

vs.

State of Punjab

...Respondent

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

Present : Mr. Ravijant Singh Swaich, Advocate
for the petitioner.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 482 Cr.P.C. with a prayer to set aside the impugned order dated 07.01.2023 (Annexure P-4) passed by the Court of Additional Sessions Judge, Ludhiana, 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 03.09.2021. The final report under Section 173 Cr.P.C was presented against the petitioner before the Court on 22.07.2022. Vide order dated 26.08.2022 (Annexure P-2) charge under Section 379 of IPC read with Section 21 of Mines and Minerals (Development and Regulation) Act was ordered to be framed against the petitioner. Learned counsel further contends that the petitioner was regularly appearing before the Trial Court. However, due to noting of wrong date, he could not appear before the Trial Court on 07.01.2023. 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. Even thereafter, the petitioner could not appear. 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. M.S. Bajwa, 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 07.01.2023 passed by the Court of Additional Sessions Judge, Ludhiana.

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

7. From the impugned order (Annexure P-4), it is apparent that on 07.01.2023, neither the petitioner was present before the Trial Court nor any application was moved for exemption from personal appearance of the petitioner by his counsel. Even there was no representation on behalf of the petitioner before the Trial Court and the Trial Court had rightly cancelled his bail and the bail bonds were correctly ordered to be forfeited to the State. Even after 07.01.2023, the petitioner has not joined the trial. Rather from the order dated 30.09.2023 (Annexure P-8) it is evident that now a proclamation has been

issued for 19.01.2024 for the non-appearance of the petitioner/accused. Thus, there is no illegality in the impugned order passed by the Court of Additional Sessions Judge, Ludhiana.

8. At this stage, learned counsel for the petitioner submits that the petitioner is a young person aged about 31 years and is a poor farmer. He further submits that he may be granted one more opportunity to appear before the Trial Court and may be permitted to join the trial subject to some reasonable cost.

9. Taking a lenient view of the matter, the prayer made by learned counsel for the petitioner is accepted and the petitioner is permitted to surrender before the Additional Sessions Judge, Ludhiana/Trial Court/Duty Magistrate within a period of three days from today subject to payment of cost of Rs.25,000/-, which shall be deposited with ***Punjab and Haryana High Court Bar Association, Chandigarh in State Bank of India, High Court Branch Sector-1 in account No.65035682434, IFSC Code SBIN0050306*** and on his surrender, he shall be admitted to bail subject to furnishing bail bonds and surety to the satisfaction of the concerned Court.

10. 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.

11. 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.

12. Pending application(s), if any, stands disposed off, accordingly.

(N.S.SHEKHAWAT)
JUDGE

16.01.2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No