

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

CRM-M-64532-2023

Date of Decision: February 07, 2024

GURCHARAN SINGH

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr.Lakshay Bector, Advocate for the petitioner.
Mr. Gurlal Singh Dhillon, AAG, Punjab.

HARKESH MANUJA, J. (ORAL)

By way of present petition filed under Section 482 Cr.P.C., prayer has been made for quashing the order dated 27.01.2023 (Annexure P-4) passed by the Court of learned Additional Sessions Judge, Ludhiana, whereby bail of the petitioner was cancelled, besides, forfeiture of bail/surety bonds, followed by issuance of non-bailable warrants against him.

2. Briefly stating, the petitioner was implicated in FIR No.301 dated 04.11.2018 registered under Section 21 of Mining and Minerals Act 1959 and Section 379 of IPC, at Police Station Sidhwan Bet, District, Ludhiana wherein he was granted the concession of anticipatory bail vide order dated 20.11.2018 passed by Additional Sessions Judge, Ludhiana, and since then, he had been regularly appearing before the Trial Court, but for 27.01.2023, when the petitioner could not appear for having noted down wrong date of hearing, resulting into passing of order dated 27.01.2023. The said order has been impugned by way of present petition.

3. Learned counsel for the petitioner submits that the

non-appearance of the petitioner on 27.01.2023 before the Trial Court was totally unintentional and for bona fide reason i.e. on account of having noted down wrong date as 27.02.2023 instead of 27.01.2023.

4. Notice of motion.

5. Mr. Gurlal Singh Dhillon, AAG, Punjab who is present in Court accepts notice on behalf of the respondent-State and opposes the prayer while submitting that the non-appearance of the petitioner before the Trial Court was just to cause delay in the disposal of trial.

6. I have heard learned counsel for the parties and gone through the paper book.

7. The non-appearance of the petitioner before the Trial Court on 27.01.2023 appears to be unintentional and for bona fide reason i.e. on account of having noted down wrong date.

8. In view of the above, the present petition is allowed, subject to deposit of costs of Rs.10,000/- with Poor Patients’ Welfare Fund, PGIMER, Chandigarh. The order dated 27.01.2023 is set aside. Petitioner is directed to appear before the Trial Court within a period of 07 days from the date of receipt of certified copy of this order and furnish his fresh bail/surety bonds, which shall be accepted, by the trial Court to its satisfaction and till then no coercive steps be taken against him. The petitioner shall also file an affidavit that he will continue to appear before the Trial Court, unless granted exemption specifically and categorically.

07.02.2024
Tejwinder

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No

