

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

118

CRM-M-62699-2024

Date of Decision : December 13, 2024

GURPINDER SINGH ALIAS PINDER

-PETITIONER

V/S

STATE OF PUNJAB

-RESPONDENT

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Ankit Kharbanda, Advocate
for the petitioner.

Mr. Pardeep Bajaj, D.A.G., Punjab.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition, prayer is made for setting aside the order dated 16.10.2024 (Annexure P-3), as passed by the learned Additional Sessions Judge, Amritsar, and whereby, petitioner's bail has been cancelled and his bail bonds and surety bonds have been forfeited to the State. Moreover, non bailable warrants have been issued against the petitioner and notice has also been issued to his surety.

2. The learned counsel for the petitioner submits that, consequent upon the petitioner becoming granted the relief of regular bail, vide order dated 27.10.2022 (Annexure P-2), he was regularly appearing before the trial Court. However, owing to some miscommunication with his trial court's counsel, the petitioner noted down wrong date of hearing, which resulted in his absence before the learned trial Court on the relevant date(s). The absence of the petitioner before the learned trial Court was neither intentional nor wilful, rather was *bona fide*.

3. Although the learned counsel for the petitioner made a vociferous attempt to assail the validity of the impugned order (Annexure P-3), however, he failed in his endeavour. In the above scenario, the learned counsel for the petitioner makes a request that the petitioner does not have any intention to escape from the clutches of law and he is ready and willing to join the trial proceedings, in case he is granted adequate protection.

4. Although this Court does not find any illegality or perversity in the impugned order (Annexure P-3), however, considering the innocuous prayer of the learned counsel for the petitioner, coupled with the fact that the underlying object behind issuance of “nonailable warrants”, which is in fact to secure the presence of an accused for facing trial, can be achieved through the petitioner becoming directed to cause appearance before the learned trial Court, therefore, the instant petition is disposed of with a direction to the petitioner to appear before the learned trial Court within 10 days from today. In case, the petitioner appears within the above stipulated period and furnishes fresh bail/surety bonds to the satisfaction of the learned trial Court, he shall be released on regular bail. The operation of the impugned order (Annexure P-3) shall remain stayed for the next 10 days. However, this relief is subject to the petitioner depositing costs of ₹ 5000/- with the District Legal Services Authority concerned.

5. It is clarified that, in case, the petitioner fails to appear before the learned trial Court concerned within the above stipulated period, the

protection granted hereinabove *qua* his arrest shall stand *ipso facto* vacated, without any further reference to this Court.

6. It is also clarified that this order does not cause any impediment for the learned trial Court concerned to initiate proceedings under Section 446 of the Cr.P.C./491 of the B.N.S.S.

7. Disposed of accordingly.

December 13, 2024
devinder

(KULDEEP TIWARI)
JUDGE

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