

CRM-M-63609-2024

-1-

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

CRM-M-63609-2024

Date of Decision: 18.12.2024

Sikandar Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

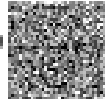
Present: Mr. Daljeet Singh Virk, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for quashing of the order dated 04.09.2024 (Annexure P-4), passed in Sessions Case No.287 of 2019, in a case FIR No.12 dated 15.01.2018, under Sections 323, 379-B, 148, 149 IPC, registered at Police Station Nathana, District Bathinda.

2. It has been contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case. He submits that the petitioner was granted regular bail by learned trial Court on 16.02.2018 and thereafter, the petitioner was regularly appearing before the trial Court. He submits that as the petitioner was not feeling well, he got himself admitted in Rehabilitation Centre at Ferozepur and could not appear before the Court on 04.09.2024, due to which his bail bonds were cancelled and forfeited to the State and he was ordered to be summoned through non-bailable warrants. He submits that absence of the petitioner was totally unintentional and due to the circumstances beyond his control. He further submits that the petitioner is ready to appear before the trial Court and abide by all the terms and conditions, if any imposed by this Court.

3. Notice of motion.



4. Mr. Tarun Aggarwal, Sr. DAG, Punjab, accepts notice on behalf of the State and has opposed the submissions made by counsel for the petitioner. He has submitted that learned trial Court has rightly cancelled bail of the petitioner as he intentionally remained absent on the date fixed before it.

5. After hearing learned counsel for the parties and perusing the record, it is evident that as the petitioner was admitted in Rehabilitation Centre at Ferozepur, he could not appear before the trial Court on 04.09.2024 on which date his bail was cancelled and his bail bonds/surety bonds were forfeited to the State and he was ordered to be summoned through non-bailable warrants. In these circumstances, when the petitioner is ready to join the trial and face the proceedings, the order dated 04.09.2024 is set aside subject to payment of Rs.5,000/- as cost to be paid to Sadhna Society for Mentally Handicapped, Near Housing Board Chowk, Raen Basera Building, Manimajra, Sector 13, Chandigarh by the petitioner within period of seven days from today.

6. The petitioner is directed to appear before the trial Court within a period of ten days from today and file an appropriate application alongwith receipt of costs and the trial Court would grant him bail till the disposal of the case on his furnishing fresh bail/surety bonds to its satisfaction. The petitioner will have protection from arrest for a period of 10 days from today. The trial Court is free to impose any condition on the petitioner while admitting him to bail.

7. Needless to say that in case the petitioner fails to comply with the abovesaid direction, this order would be of no avail to him and the order

dated 04.09.2024 will come in force and the present petition shall be deemed to have been dismissed.

8. Petition stands disposed of in abovesaid terms.

18.12.2024			(RAJESH BHARDWAJ)
sharmila			JUDGE
	Whether Speaking/Reasoned	:	Yes/No
	Whether Reportable	:	Yes/No