



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

CRM-M-21156-2024
Date of Decision: 07.04.2025

GURSEWAK SINGH ALIAS SEWAK

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

**CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL
HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Present: Mr. Vikram Satpal Anand, Advocate
for the petitioner.

Mr. Raghav Garg, AAG, Punjab.

DEEPAK SIBAL, J (ORAL)

1. Through the instant petition, challenge is made to the order dated 27.02.2024 (Annexure P-3) passed by the Additional Sessions Judge, Amritsar (for short 'the Ist Court') cancelling the petitioner's bail and ordering the procurement of his presence through issuance of non-bailable warrants.

2. Learned counsel for the petitioner submits that on the date of passing of the impugned order the petitioner could not appear in his trial pending before the Ist Court, because on that date he was also required to appear before the learned Additional Sessions Judge, Ludhiana (for short 'the IInd Court') in another criminal case pending against him in pursuance to lodging of FIR No.51 dated 17.07.2020 titled as '*State Vs. Pardeep Singh and Others*' in which his statement under Section 313 Cr.P.C. was to be recorded. Thus, the petitioner's non appearance on 27.02.2024 before the Ist Court was for justifiable reasons.

3. In support of the afore contention, learned counsel for the petitioner

has drawn our attention to the order dated 27.02.2024 passed by the IInd Court in which the petitioner's appearance is duly marked and the purpose of his appearance also mentioned.

4. Learned State counsel does not dispute the afore factual position.

5. In the light of the above, we find that the petitioner's non-appearance on 27.02.2024 before the Ist Court was for bonafide reasons as he could not be present at two places at the same time and that his presence before the IInd Court was required on 27.02.2024 for recording of his statement under Section 313 Cr.P.C. The only thing which the petitioner ought to have been done was to seek exemption for his personal appearance before the Ist Court but since such lapse was admittedly committed by him for the first time in his trial, we, in the aforesaid facts, taking a lenient view in the matter, set aside the impugned order dated 27.02.2024 (Annexure P-3). However, the same shall be subject to the petitioner putting in appearance before the Ist Court, within four weeks from today, to face the remaining part of his trial.

6. Subject to the petitioner surrendering before the trial court as above, he shall be admitted to bail to the satisfaction of the 1st court, who shall insist on furnishing of at least two heavy local sureties.

7. The petition is allowed in the above terms.

(DEEPAK SIBAL)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

07.04.2025

Prince Chawla

Whether speaking/reasoned : *Yes/No.*

Whether resportable : *Yes/No.*