

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

CRM-M-21389-2023

Date of decision : 28.04.2023

Gurlal Singh

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Harpal Singh Sidhu, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

Prayer in the present petition is for quashing of order dated 16.02.2023 (wrongly mentioned as 16.02.2012) passed by the learned Additional Sessions Judge, Tarn Taran, District Tarn Taran wherein the bail order of the petitioner was cancelled in FIR No.05 dated 19.01.2019, under Section 379 of IPC and Section 21 of Mining Act, registered at Police Station Sadar Patti, District Tarn Taran.

It has been contended by counsel for the petitioner that petitioner was regularly appearing before the trial Court. However, on one date i.e. on 16.02.2023, due to wrong noting of date, he remained absent from the Court and his bail order was cancelled. He submits that the petitioner has no criminal antecedents and he is ready to join the proceedings and abide by the terms and conditions of bail.

Notice of motion to official respondent only.

On asking of the Court, Mr. Sandeep Kumar, DAG, Punjab accepts notice on behalf of the respondent-State.

Learned State counsel has opposed the submissions made by learned counsel for the petitioner and has stated that the trial Court has rightly cancelled the bail granted of the petitioner who remained absent on 16.02.2023 without any valid reason.

CRM-M-21389-2023

-2-

After hearing counsel for the petitioner and perusing the record, it is apparent that the petitioner remained absent on one day i.e. on 16.02.2023 and his bail was cancelled and bail bonds were forfeited to the State and he was ordered to be summoned through non-bailable warrants. The reason for his absence has been given that he had noted a wrong date. The petitioner is keen to join the proceedings. So keeping in view the abovesaid facts, the present petition is disposed of and the order dated 16.02.2023 is *set aside* subject to payment of Rs.25,000/- as costs to be deposited in the Punjab and Haryana High Court, Bar Association Lawyer's Welfare Fund, Chandigarh by the petitioner in one week from today. In case, the petitioner appears and surrenders before the Court concerned within a period of 10 days from today and files an application for bail alongwith receipt of abovesaid costs, the Court concerned is directed to admit him to bail subject to its satisfaction and proceed with the trial in accordance with law. He will have protection from arrest for a period of 10 days from today.

Needless to say that in case the petitioner fails to comply with the abovesaid direction, he will have no benefit of abovesaid protection granted by this Court and order under challenge dated 16.02.2023 would come in force.

28.04.2023
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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