

PUNJAB AND HARYANA HIGH COURT

Before: Justice Vikas Bahl
Manpreet Singh - Petitioner
Versus
State of Punjab - Respondent

CRM-M-968-2022

19.01.2022

Bail - cancellation - Non bailable warrants - Learned counsel for the petitioner has already submitted that the petitioner has undertaken to appear before the trial Court within a period of one month from today and to also appear on each and every date before the trial Court unless his personal appearance is specifically exempted by the trial Court. Since, the purpose of issuance of non-bailable warrants was to secure the presence of the petitioner, thus, the interest of justice would be met, in case, the impugned order is set aside and the petitioner is directed to appear before the trial Court within a period of one month.

Mr. Yashpal Thakur, for the petitioner. Mr. Sukhbeer Singh, AAG, Punjab. (Through Video Conferencing)

VIKAS BAHL, J. (ORAL) - This is a petition filed under Section 482 of Cr.P.C. for quashing of order dated 09.12.2021, whereby the trial Court had issued non-bailable warrants in FIR No.215 dated 13.10.2014 registered under Sections 379, 411, 420, 467, 468, 471, 473, 120-B of the Indian Penal Code, 860 at Police Station Kotwali, District Patiala (Annexure P-1).

2. Learned counsel for the petitioner has submitted that in the present case, the petitioner was only involved in the FIR as he had purchased a motorcycle from the co-accused after paying the consideration amount which ultimately turned out to be a stolen motorcycle and thus, he was nominated under Section 411 of IPC. It is further submitted that the petitioner was granted the concession of regular bail vide order dated 29.10.2014 (Annexure P-1) and the petitioner had been appearing for the last seven years regularly in the case and had appeared on more than 60 hearings. It is only on 09.12.2021 that the petitioner could not appear due to the strike of the bus operators and thus, could not reach the Court within time. It is argued that on account of the said non-appearance, the bail order of the petitioner has been cancelled and the bail bonds/surety bonds have also been cancelled and forfeited to the State and non-bailable warrants have been issued for 24.02.2022 and notice has also been issued to the surety of the petitioner. It is submitted that the petitioner would appear within a period of one month from today before the trial Court, in case, he is granted protection and for the loss caused to the complainant, he is also ready to pay Rs.5000/- to the complainant(owner).

3. Notice of motion.

4. On advance notice, Mr. Sukhbeer Singh, AAG, Punjab, appears and accepts notice on behalf of the State and has submitted that he is fully prepared to argue the matter and assist this Court. He has opposed the present petition and has submitted that the petitioner had not appeared on 09.12.2021 and thus, the impugned order had rightly been passed.

5. This Court has heard the learned counsel for the parties and has perused the record.

6. A perusal of the order dated 09.12.2021 would show that the petitioner could not appear in the case and thus, his bail was cancelled and non-bailable warrants were issued for 24.02.2022. The petitioner has approached this Court before 24.02.2022 and the said fact reflects his bona fide.

7. As per the case of the petitioner, he has been granted regular bail on 29.10.2014 and he has been regularly appearing for the last seven years and has appeared on more than 60 hearings. On 09.12.2021, he could not appear due to the strike of the bus operators and thus, the explanation for non-appearance of the petitioner given by the learned counsel for the petitioner, appears to be genuine.

8.Learned counsel for the petitioner has already submitted that the petitioner has undertaken to appear before the trial Court within a period of one month from today and to also appear on each and every date before the trial Court unless his personal appearance is specifically exempted by the trial Court. Since, the purpose of issuance of non-bailable warrants was to secure the presence of the petitioner, thus, the interest of justice would be met, in case, the impugned order is set aside and the petitioner is directed to appear before the trial Court within a period of one month.

9.Keeping in view the abovesaid facts and circumstances, the present petition is allowed and the impugned order dated 09.12.2021 is set aside subject to the petitioner appearing before the trial Court within a period of one month from today and on his appearance, the trial Court is directed to release the petitioner on bail on his furnishing bail bonds/surety bonds to the satisfaction of the concerned trial Court. The same would also be subject to the petitioner depositing an amount of Rs.5000/- within the stipulated time with the trial Court, which would be paid to the complainant by the trial Court and would also be subject to the petitioner giving an undertaking to the trial Court that he would appear before the trial Court on each and every date unless his appearance is personally exempted by the Court.

10.In this case, notice has not been issued to the complainant as he has not been made a respondent party by the learned counsel for the petitioner in the present petition and as no order prejudicial to the rights of complainant, is being proposed to be passed by this Court and issuance of notice would only further delay the matter which would cause prejudice to the complainant and since the main purpose is to make the petitioner appear before the trial Court, thus, the present petition is disposed of without issuance of notice to complainant.

11.It is, however, clarified that in case, the petitioner does not appear within one month from today before the trial Court and does not deposit the costs of Rs.5000/- then the present petition would be deemed to have been dismissed.