

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

CRM-M-33696-2023

Date of Decision: 28.07.2023

SANJAY KUMAR

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. S.S.Brar, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG Punjab.

* * *

VIVEK PURI, J. (ORAL)

1. The petitioner has assailed the order dated 07.11.2022 passed by the Court of Sessions vide which his bail order has been cancelled, bail bonds and surety bonds have also been cancelled and forfeited to the State. Furthermore, the petitioner has been ordered to be summoned through warrants of arrest and notice to the surety has also been issued.

2. Learned counsel for the petitioner contends that on account of the miscommunication of the date of hearing, the petitioner could not put appearance in the learned trial Court on 07.11.2022. This is the first default on the part of the petitioner and he undertakes to surrender in the trial Court within a period of 7 days and face trial.

3. It has been further submitted that meanwhile the petitioner may be protected.

4. Notice of motion.

5. Ms. Ruchika Sabherwal, DAG Punjab accepts notice on behalf

of the State and submits that appropriate directions may be issued to the petitioner to ensure his presence in the trial Court.

6. The petition is disposed of with a direction that the petitioner shall surrender before the trial Court within a period of 7 days and shall move an application for regular bail. It is further directed that in the event, the petitioner surrenders within a period of 7 days and moves an application for regular bail, his arrest may not be effected till the disposal of the bail application and also for a period of 2 weeks thereafter in the event the bail application is dismissed.

7. However, this order shall be without prejudice to the proceedings under Section 446 Cr.P.C. that may be initiated against the petitioner and the surety.

28.07.2023

Janki

**(VIVEK PURI)
JUDGE**

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