



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

CRM-M-26390-2024  
Date of decision: 02.07.2024

PARGAT SINGH ALIAS KAMLI ....Petitioner

Versus

STATE OF PUNJAB ...Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present: - Mr. Mukesh Yadav, Advocate for  
Mr. Deepak Goyal, Advocate for the petitioner.  
  
Mr. Adesh Pal Singh, AAG, Punjab.

SANJIV BERRY, J. (ORAL)

By way of present petition filed under 482 Cr.P.C. petitioner prays for quashing of impugned orders dated 10.05.2022 and 11.10.2022 (Annexure P-4 and Annexure P-5) respectively passed by Additional Chief Judicial Magistrate, Sangrur, whereby bail order of the petitioner was cancelled and his bail bonds/surety bonds were ordered to be forfeited to the State and he was ordered to be summoned through non-bailable warrants of arrest in case FIR (Annexure P-1) as under:

| FIR No. | Dated      | Sections                                  | Police Station                    |
|---------|------------|-------------------------------------------|-----------------------------------|
| 35      | 24.03.2021 | 61 and 78 of The Punjab Excise Act, 1914. | Sadar, Sangrur, District Sangrur. |

2. Status report dated 02.07.2024 in the form of an affidavit of Deputy Superintendent of Police, Sub Division Sangrur, has been filed. The same is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.

3. Arguments heard.



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4. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner has already joined the proceedings in compliance to the order dated 24.05.2024 passed by this Court and has placed on record the copy of order dated 30.05.2024 passed by learned Judicial Magistrate Ist Class, Sangrur.

5. This aspect has not been disputed by learned State counsel.

6. During the course of hearing on 24.05.2024, following order was passed:

“ 2. *It is inter alia contended by learned counsel for the petitioner that the petitioner after having been nominated as one of the accused in the aforesaid FIR had been granted concession of bail vide order dated 24.05.2021 (Annexure P-2) by learned Additional Chief Judicial Magistrate, Sangrur. He submits that thereafter he had been regularly appearing in the Court but on 10.05.2022, he could not appear in the Court as the challan was presented in his absence and he has no intimation about the date fixed in the Court resulting in the trial Court cancelling the bail and issuance of non-bailable warrants of arrest qua the petitioner vide impugned order dated 11.10.2022 (Annexure P-5). He submits that now the case is pending in the Court of learned Judicial Magistrate Ist Class, Sangrur for 15.07.2024 as per order dated 18.04.2024 passed by that Court. The petitioner is ready to appear in the trial Court and seeks protection with the undertaking that he will regularly appear in the Court on each and every date of hearing without fail and will not misuse the concession of bail.*

3. *Notice of motion.*

4. *On the asking of the Court, Mr. Ankit Grewal, DAG, Punjab., who is present in Court, accepts notice on*



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*behalf of the respondent-State and seeks time to file the status report/reply.*

5. *In the meanwhile, the petitioner is directed to appear before the trial Court/Duty Magistrate within seven days from today and in the event of his arrest, he is ordered to be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the concerned Court/Duty Magistrate subject to his furnishing specific undertaking before the concerned Court that he will regularly appear on each and every date of hearing without fail and in case of extreme exigency, he will seek prior exemption from the Court by moving an application in accordance with law.*

6. *List on 02.07.2024. ”*

7. Considering the facts and circumstances of the case and the submissions made by learned State counsel, it is evident that the petitioner had already joined the proceedings in pursuance to the order dated 24.05.2024 passed by this Court. The petitioner had challenged the impugned order dated 10.05.2022 (Annexure P-4) whereby the non-bailable warrants of arrest of the petitioner were issued and also the order dated 11.10.2022 (Annexure P-5) whereby the bail of the petitioner was cancelled and bonds were forfeited to State. However, in compliance to the order dated 24.05.2024 passed by this Court, the petitioner has already joined the proceedings and has been admitted to interim bail by learned trial Court. As a consequent, both the impugned orders dated 10.05.2022 and 11.10.2022 (Annexure P-4 and Annexure P-5 respectively) are hereby set aside and interim bail granted to the petitioner is hereby confirmed.



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- 8. The petition stands allowed.
- 9. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(SANJIV BERRY)  
JUDGE

02.07.2024  
kanika

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|-----|----------------------------|--------|
| i)  | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable?        | Yes/No |