



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

**CRM-M-28605-2024
DECIDED ON:31.05.2024**

PANKAJ KUMAR

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Amandeep Saini, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court under Section 482 Cr.P.C. seeking quashing of the impugned order dated 12.09.2023 (Annexure P-3) passed by learned trial Court, whereby, the bail order of the petitioner has been cancelled and bail and surety bonds has been forfeited to the State in FIR No. 111, dated 30.07.2021, under Sections 307, 324, 323, 148 and 149 IPC, registered at Police Station Kathgarh, District SBS Nagar

2. Learned counsel for the petitioner submits that the petitioner was granted the concession of anticipatory bail by this Court vide order dated 22.02.2022 (Annexure P-2). It is further submitted that it is only on one occasion i.e. On 12.09.2023 (Annexure P-3), when the petitioner could not appear before the trial Court, however, he has been continuously appearing on each and every date. He further submits that the absence of the petitioner on the said date i.e. 12.09.2023 is stated to be on account of the fact that his counsel has not informed him about the next date of hearing. Due to his absence on

12.09.2023, his bail stands cancelled and bail/surety bonds were forfeited to the State and he was summoned through non-bailable warrants.

3. He undertakes that the petitioner will surrender before the trial Court and shall join the trial proceedings without any delay or default in future.

4. Notice of motion.

5. On the asking of the Court, Mr. Jasjit Singh Rattu, DAG, Punjab accepts notice on behalf of the respondent-State, who is not averse to the undertaking given by the petitioner that he will surrender before the trial Court.

6. In view of the afore-said facts and circumstances and without commenting upon the merits of the case, the present petition is allowed and order dated 12.09.2023 is hereby, set aside and petitioner is directed to surrender before the trial Court within a period of 10 days from today and apply for regular bail.

7. In case, such an application for bail is moved by the petitioner before the learned trial Court, the same shall be considered on the same date and decided in accordance with law.

8. However, it is made clear that in case the petitioner does not abide by the aforesaid undertaking, the respondent/State shall be at liberty to move an appropriate application for revival of the instant petition.

9. The aforesaid order/concession to the petitioner shall be subject to payment of costs of Rs.10,000/- to be deposited with the Punjab and Haryana High Court Bar Association, Chandigarh (Account No.65035682434, IFSC Code: SBIN0050306) and a receipt of the same be produced before the Trial Court and only in that eventuality, application of the petitioner for seeking bail be considered.

(SANDEEP MOUDGIL)
JUDGE

31.05.2024

Sham

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>