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

**CRM-M No.36230 of 2024
Date of decision : 30.07.2024**

Ajay Kumar @ Devgora**.....Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Bikramjit Singh Randhawa, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of impugned order dated 19.07.2024 passed by the learned ASJ Rupnagar (Annexure P-2) vide which the bail/surety bonds of the petitioner were cancelled and were forfeited to the State and non bailable warrants were issued against the petitioner for 17.08.2024 in case registered vide FIR No.51, dated 18.05.2019, under Sections 307, 323, 324, 294, 364, 357, 148, 149 of Indian Penal Code, 1860, Police Station Shri Anandpur Sahib, District Rupnagar. Further prayer has been made for staying the operation and implementation of impugned order dated 19.07.2024 (Annexure P-2) passed by the learned ASJ, Rupnagar and also arrest of the petitioner during the pendency of the present petition.

2. It has been contended by counsel for the petitioner that the petitioner was regularly appearing before the learned trial Court.

However, on one date i.e. on 19.07.2024, the petitioner was suffering from



viral fever and thus he remained absent from the Court and due to which his bail order was cancelled and bail bonds/surety bonds were forfeited to the State. 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 if granted by this Court.

3. Notice of motion.

4. On asking of the Court, Mr. Tarun Aggarwal, Sr. DAG, Punjab accepts notice on behalf of the respondent-State.

5. 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 19.07.2024 without any valid reason.

6. After hearing counsel for the parties and perusing the record, it is apparent that the petitioner remained absent on one day i.e. on 19.07.2024 and his bail was cancelled and bail bonds/surety bonds were forfeited to the State and warrants of arrest were issued for 17.08.2024. The reason for his absence has been given that he was suffering from viral fever. 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 19.07.2024 is *set aside* subject to payment of Rs.10,000/- as costs to be deposited in the Poor Patients' Welfare Fund, PGIMER, Chandigarh by the petitioner within 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.

7. 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 19.07.2024 would come in force.

30.07.2024
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(RAJESH BHARDWAJ)
JUDGE

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