



CRM-M-38818-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-38818-2024
Date of decision: 31.08.2024

DINESH KUMAR ALIAS VICKY ALIAS BILLAPetitioner

Versus

STATE OF PUNJABRespondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Ms. Menka Gupta, Advocate for the petitioner.
(Through V.C.)

Mr. Prabhdeep Singh Dhaliwal, AAG Punjab.

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SANJIV BERRY, J. (ORAL)

The instant petition under Section 528 of BNSS, 2023 (erstwhile Section 482 Cr.P.C.) has been moved by the petitioner seeking quashing of the order dated 08.11.2023 (Annexure P-3) passed by learned Additional Sessions Judge, SAS Nagar (Mohali), Punjab in case FIR No.57 dated 03.03.2020 in SC-111-2021, titled as '*State of Punjab vs. Dinesh Kumar @ Vicky @ Billa etc.*' whereby non bailable warrants were issued against the petitioner and bail/surety bonds were cancelled and forfeited to the State.

2. Learned counsel for the petitioner *inter alia* contends that in compliance of the order dated 12.08.2024, petitioner appeared before the learned trial Court on 17.08.2024 and furnished personal bonds and sought opportunity to furnish regular bail bonds/surety on the next date of hearing.



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On 29.08.2024 the petitioner furnished requisite surety bonds and placed on record copy of order dated 29.08.2024 passed by learned Additional Sessions Judge, SAS Nagar (Mohali). He contends that since the petitioner has joined the trial Court proceedings, as such the order dated 08.11.2023 (Annexure P-3) passed by learned Additional Sessions Judge, SAS Nagar (Mohali) whereby non bailable warrants were issued against the petitioner and bail/surety bonds were cancelled and forfeited to the State, be quashed.

3. Learned State counsel has not disputed the aforesaid factual matrix of the case and submits that petitioner appeared on 17.08.2024 and 29.08.2024 before the learned trial Court and furnished requisite bail bonds.

4. Heard.

5. During the course of the proceedings, following order was passed on 12.08.2024:-

“ By way of present petition filed under Section 528 of the Bhartiya Nagarik Suraksha Sanhita 2023 (BNSS) (erstwhile Section 482 Cr.PC) the petitioner seeks quashing of the order dated 08.11.2023 (Annexure P-3) passed by learned Additional Sessions Judge, SAS Nagar, (Mohali), Punjab, in case No. SC-111-2021, titled as ‘State of Punjab vs. Dinesh Kumar @ Vicky @ Billa etc.’ vide which non bailable warrants were issued against the petitioner and bail/surety bonds were cancelled and forfeited to the State in case FIR (Annexure P-1) as mentioned below:

FIR No.	Dated	Sections	Police Station
57	03.03.2020	323, 341, 379-B, 506 IPC	Dera Bassi, District (411 IPC added lateron) SAS Nagar, Punjab.

2. Heard.



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3. *It is, inter alia, contended by learned counsel for the petitioner that the petitioner was granted concession of bail in the above said FIR and had been regularly appearing before the learned Trial Court but on 05.05.2023, he could not appear in the Court due to some exigency and had informed his counsel who failed to move an application for exemption. She contends that the learned Trial Court vide the impugned order dated 08.11.2023 (supra) had cancelled the bail of the petitioner and ordered him to be summoned through non-bailable warrants of arrest on 25.01.2024, however, on that date, the petitioner could not appear due to the fact that he was already admitted in the De-addiction Centre and this fact is also mentioned in order dated 22.03.2024 (Annexure P-4) passed by the learned Trial Court.*

4. *It is further contended by learned counsel for the petitioner that the absence of the petitioner was not intentional and the petitioner is ready to appear before the learned Trial Court and face the trial.*

5. *Notice of motion, returnable for 31.08.2024.*

6. *On the asking of the Court, Mr. Ankit Grewal, DAG, Punjab, who is present in Court, accepts notice and does not dispute the factual matrix of the case. He, on instructions from ASI Amarjit Singh contends that the trial is pending for 17.08.2024.*

7. *Keeping in view the above facts and circumstances, the petitioner is directed to appear before the learned Trial Court/Judge on duty on or before 17.08.2024 and in that event, learned Trial Court/Judge on duty will admit the petitioner on interim bail subject to its satisfaction.*

8. *The petitioner shall also furnish a specific undertaking before the learned Trial Court/Judge on duty that, in future, he would be regularly appearing before the concerned Court on each and every date and in case of some exigency, he will seek prior permission of the concerned Court qua his exemption to appear on the date fixed.”*



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6. Keeping in view the fact that the petitioner has already appeared on 17.08.2024 and 29.08.2024 before the learned trial Court and furnished requisite bail/surety bonds consequent to the order dated 12.08.2024, passed by this Court, the present petition is allowed and order dated 08.11.2023 (Annexure P-3), passed by learned Additional Sessions Judge, SAS Nagar (Mohali), whereby non bailable warrants were issued against the petitioner and bail/surety bonds were cancelled and forfeited to the State is hereby set aside and the interim bail granted vide order dated 12.08.2024 is hereby confirmed.

7. The petition stands disposed of.

(SANJIV BERRY)
JUDGE

31.08.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |