



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

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**CRM-M-40054-2024
DATE OF DECISION: 28.08.2024**

YASHDEEP SINGH**...PETITIONER****Versus****STATE OF PUNJAB****... RESPONDENT****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Chahata Goyal, Advocate for the petitioner(s).
Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 528 of The Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing the order dated 05.07.2024 (Annexure P-1) passed by Trial Court, SAS Nagar, whereby the bail order of the petitioner was cancelled and bail/surety bonds were also forfeited to State and arrest warrant was issued, arising out of SC-64-2023 arising out of FIR-240 dated 12.12.2022, P.S.-Phase- 1, District- SAS Nagar, U/S 323, 336, 341, 307, 506, 148, 149 of IPC & Section 25 of Arms Act.

2. Learned counsel for the petitioner submits that on one date i.e. 05.07.2024 the petitioner could not attend the trial proceedings as the mother of petitioner was admitted in Govt. Multi-Speciality Hospital in Sector 16 Chandigarh due to High fever and High BP and there is no one to take care of her except the petitioner, therefore, he requested his counsel to file an exemption application. Thereafter, on 26.07.2024 when the petitioner went to attend the Court proceedings, he came to



know that his counsel did not file exemption application and his bail bonds were cancelled and non-bailable warrants was issued against him.

3. The contention of learned counsel for the petitioner is that the petitioner did not had any intention to avoid attendance in the Court proceedings otherwise he was appearing regularly on each and every date before the Court. He undertakes that the petitioner will surrender before the trial Court and shall join the trial proceedings without any delay or default in future.

5. Notice of motion.

6. On the asking of the Court, learned State Counsel 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.

7. Considering the submissions made by learned counsel and also in appreciation of the fact that it will only speed up the proceedings before the Trial Court which is one of the essence as enshrined under Article 21 of the Constitution of India, the petitioner is directed to surrender before the trial Court within a period of ten days from the date of receipt of certified copy of this order and may apply for regular bail.

8. 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.

9. 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.



10. The aforesaid order/concession granted to the petitioner shall be subject to payment of costs of Rs.10,000/- to be deposited with the Punjab and Haryana High Court Employees' Association, Chandigarh and a receipt of the same be produced before the Trial Court and only in that eventuality, application filed by the petitioner seeking bail be considered and decided on the same day in accordance with law.

11. In view of the above, the impugned order dated 05.07.2024 (Annexure P-1) is quashed.

12. The instant petition is disposed of in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

28.08.2024
anuradha

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