

**CRM-M-42135-2024****IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH****Sr. No.127****CRM-M-42135-2024****Date of Decision: September 25, 2024****HARPREET SINGH DHALIWAL****....PETITIONER****VERSUS****STATE OF PUNJAB****.....RESPONDENT****CORAM: HON'BLE MRS. JUSTICE AMARJOT BHATTI**

Present:- Mr. Karanjeet Singh Brar, Advocate  
for the petitioner.

Mr. Kewal Singh, Addl. A.G. Punjab.

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**AMARJOT BHATTI, J. (Oral)**

1. Petitioner Harpreet Singh Dhaliwal has filed petition under Section 528 of The Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to set-aside the impugned order dated 03.05.2024 (Annexure P-3) passed by learned Additional Sessions Judge, Bathinda vide which the bail of the petitioner has been cancelled and his bail bonds and surety bonds were also forfeited to the State and his arrest warrants have been issued in FIR No.72 dated 06.04.2018 (Annexure P-1) under Sections 379-B, 411 IPC of 1860 registered at Police Station Kotwali Bathinda, District Bathinda.

2. Learned counsel for the petitioner in brief arguments admitted the factual position that petitioner had absented in the Court on 10.04.2024 on account of noting down the wrong date. Prior to this, he was regularly appearing before the Trial Court. There was no intentional absence on his part. Petitioner wants to surrender before the trial Court before next date of hearing i.e. 05.11.2024 and will abide by the terms and conditions of orders



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imposed by the trial Court.

3. Notice of motion.

4. On the asking of this Court, Mr. Kewal Singh, Addl. A.G. Punjab, accepts notice on behalf of respondent -State.

5. Learned counsel representing the State opposed the petition alleging that he absented on 10.04.2024 and till date he has not appeared before the trial Court. Because of his absence trial in this case has been delayed. In view of absence on the part of the petitioner, his bail bonds and surety bonds were rightly cancelled and forfeited to the State.

6. I have considered the arguments and have gone through the record. Learned counsel for the petitioner has placed on record the zimini orders from 13.01.2023 onwards which indicate that earlier present petitioner Harpreet Singh Dhaliwal was regularly appearing before the trial Court and on one occasion he filed application for exemption which was allowed by the Learned Additional Sessions Judge. In fact case was being adjourned from time to time for the appearance of the co-accused Gurwinder Singh. As per interlocutory orders available on the file since 13.01.2023 till date non-bailable warrants are issued time and again qua co-accused Gurwinder Singh. During this period present petitioner also absented on 10.04.2024 by stating that due to wrong noting down of date he absented and his arrest warrants have been issued. As per the latest zimini orders dated 17.09.2024, arrest warrants are issued for 05.11.2024. Present petitioner is ready to appear before the trial Court. It is not the case that because of the absence of present petitioner trial in this case has been delayed rather zimini orders indicate that trial Court is adjourning the case time and again by issuing arrest warrants of co-accused Gurwinder Singh.



Learned trial Court is directed to look into the case and proceed further as per law. Present petitioner is directed to surrender before the Trial Court within two weeks and be released on bail to the satisfaction of trial Court and in case of failure to comply with this order trial Court will proceed as per law.

- 7. Accordingly, the petition is disposed of.
- 8. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

25.09.2024  
SND

(AMARJOT BHATTI)  
JUDGE

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