



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

CRM-M-44947-2024

Date of Decision: September 10, 2024

HARWINDER SINGH

....Petitioner(s)

VERSUS

STATE OF PUNJAB

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Jagmeet Singh Moudgil, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J.(ORAL)

This petition has been filed by the petitioner under Section 528 of B.N.S.S. 2023 for quashing of order dated 09.07.2024 (Annexure P-8) passed in case CHA No.116 of 2022 titled as *State vs. Dharaminder Singh and others* in FIR No.2 dated 04.01.2022 under Sections 61, 69 of Punjab Excise Act, registered at Police Station Chajjli, District Sangrur (Anexure P-1).

Learned counsel for the petitioner submits the petitioner could not appear in Court on one date i.e. 09.07.2024 as he noted down the date wrongly as 09.08.2024 instead of the actual date 09.07.2024. He did not have any intention to avoid attendance in the Court proceedings, otherwise he had been appearing regularly for the proceedings on 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.



Notice of motion.

On the asking of the Court, learned State Counsel accepts notice on behalf of the respondent-State, who is not averse to the undertaking as given by the petitioner, that he will surrender and appear before the trial Court to assist in trial.

Considering the submissions made by learned counsel and also appreciating the fact that it will only speed up the proceedings of the Trial Court which being one of the basic and fundamental principle of law as enshrined under Article 21 of the Constitution of India, the petitioner is hereby directed to surrender before the trial Court within a period of one week from today and move an application for seeking the concession of grant of regular bail.

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.

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 the revival of the instant petition.

The aforesaid order/concession to the petitioner shall be subject to payment of cost 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 shall be produced before the Trial Court and only in that eventuality,



application of the petitioner for seeking the concession of grant of regular bail be considered and decided on the same day in accordance with law.

The instant petition is disposed of in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

10.09.2024
Sangeeta

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