



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

296**CRM-M-46670-2024****Date of Decision: 13.11.2024****GURDIAL SINGH**

...Petitioner

Vs.

STATE OF PUNJAB

...Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Geeteshwar Saini, Advocate
for the petitioner.

Mr. M. S. Bajwa, DAG, Punjab.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Section under Section 528 of the Bharatiya Nagrik Suraksha Sanhita, 2023 with a prayer to quash the order dated 29.07.2024 passed by the Judicial Magistrate First Class, Batala (Anneuxre P-2) in case No.NACT No.346 of 2023 titled as “New Bhagwan Shri Chand Finance Vs. Gurdial Singh”, whereby the bail of the petitioner was cancelled and the bail bonds and surety bonds were ordered to be forfeited to the State and order dated 03.09.2024 passed by the Sessions Judge, Gurdaspur (Annexure P-3).

2. Learned counsel for the petitioner contends that the petitioner has been falsely involved in a complaint (Annexure P-1). During the course of trial, the petitioner appeared before the trial Court and he was admitted to bail. He further contends that on



14.12.2023, the petitioner had moved an application for exemption from personal appearance as he was suffering from some mental disorder and was under treatment. He further contends that the petitioner could not appear before the trial Court and ultimately vide the impugned order dated 29.07.2024 (Annexure P-2), his bail was ordered to be cancelled and bail bonds and surety bonds were ordered to be forfeited to the State. He was ordered to be served through non-bailable warrants. Learned counsel further submits that the petitioner is working as a Teacher at Government Sr. Sec. School, Qila Tek Singh, Tehsil Batala and he is not likely to abscond from the process of law. He further contends that the petitioner shall appear on each and every date of hearing, before the Trial Court and shall not absent himself during the Court proceedings.

3. Learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that the petitioner did not appear before the trial Court intentionally for several months and the present petition deserves to be dismissed by this Court.

4. I have heard the rival submissions made by the learned counsel for the parties and perused the record.

5. In the present case, the petitioner was initially granted the concession of bail and he had appeared before the trial Court. However, it is only during the trial that the petitioner did not appear



and his bail was cancelled by the trial Court. Moreover, the offence in the present case is also bailable in nature.

6. Taking a lenient view of the matter, the prayer made by learned counsel for the petitioner is accepted and the petitioner is permitted to surrender before the Trial Court/Duty Magistrate within a period of one week from today and on his surrender, he shall be admitted to bail subject to furnishing bail bonds and surety to the satisfaction of the concerned Court.

7. At the time of furnishing of bail bonds, the petitioner shall also file an affidavit before the concerned Court that he shall continue to appear before the Court on each and every date of hearing and shall not absent himself during the court proceedings, except with prior permission of the Court.

8. The Trial Court/Duty Magistrate shall also be at liberty to impose any other conditions, as it deems fit in the peculiar facts and circumstances of case.

9. The petition stands allowed in the above terms.

13.11.2024

(N.S.SHEKHAWAT)

M.Sikka

JUDGE

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