



CRM-M-47196-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(137)

CRM-M-47196-2024
Date of Decision : 23.09.2024

Sukhdev Singh @ Kinder Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Ms. Gagandeep Kaur, Advocate
for the petitioner.

Mr. Pardeep Bajaj, DAG, Punjab.

KULDEEP TIWARI, J.(ORAL)

1. Through the instant petition, filed under Section 528 of BNSS, 2023, challenge is thrown to the order dated 12.06.2024 (Annexure P-1), passed by the learned Judicial Magistrate, Ist Class, Dhuri, in case No. CHA-83-2021, titled as 'State of Punjab vs. Sukhdev Singh @ Kinder', in FIR No.61, dated 06.08.2016, under Section 61/1/14 of Excise Act, 1958 registered at Police Station Sherpur, District Sangrur, wherein, the personal bonds furnished by the petitioner were forfeited to the State and non-bailable warrants of arrest has been issued against the present petitioner.

2. Learned counsel for the petitioner submits, that the petitioner was earlier granted the relief of regular bail by learned Additional Sessions Judge, Sangrur, vide order dated 24.08.2016 (Annexure P-2), and the petitioner was continuously appearing before the learned trial Court concerned. On account of non-appearance of the petitioner on 12.06.2024, his personal bail bonds were forfeited to the State and non-bailable warrants were issued against him.



3. Though, the learned counsel for the petitioner has made efforts to challenge the legality of the order (supra), passed by the learned Judicial Magistrate, Ist Class, Dhuri, however, she could not succeed in her efforts. She further submits that the petitioner is ready and willing to surrender before the learned trial Court concerned. Thereafter, she made a request that direction be passed upon the learned trial Court concerned, to decide the regular bail application of the petitioner, on the same day.
4. The innocuous and *bona fide* prayer made by the learned counsel for the petitioner is accepted.
5. The petitioner is directed to cause appearance, within 10 days from today, before the learned trial Court, concerned. In case, the petitioner cause appearance and files an application for regular bail, before the learned trial Court concerned, the latter shall decide the bail application, on the same day itself, after giving an adequate opportunity of hearing to the parties concerned.
6. The arrest of the petitioner, in pursuance of the non-bailable warrants issued against him, is stayed, for the next 10 days. In case, the petitioner fails to cause appearance within the next 10 days and fails to file application for regular bail, the interim protection granted by this Court, would *ipso facto* be vacated, without any further reference to this Court.
7. **Disposed of** accordingly.

(KULDEEP TIWARI)
JUDGE

September 23, 2024
Manpreet

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