



CRM-M-47324- 2024

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

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CRM-M-47324- 2024

Date of Decision: 23.09.2024

Gurinder Singh

....Petitioner

VERSUS

State of Union Territory Chandigarh

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Vijay Lath, Advocate and
Mr. Ajay S. Dhiman, Advocate,
for the petitioner.

Mr. Kamal Kumar, Advocate for
Mr. Anil Kumar Lamdharia, Addl.P.P.
for the respondent-U.T., Chd.

KARAMJIT SINGH, J. (Oral)

Present petition has been filed under Section 528 of the BNSS, 2023, for setting aside the order dated 08.07.2024 (Annexure P-4) passed by the Court of Judicial Magistrate First Class, Chandigarh, vide which the bail order of the petitioner was cancelled and he was directed to be summoned through non-bailable warrants to arrest in a criminal case having FIR No.17, dated 09.02.2024, registered under Section 186, 332, 353 and 506 IPC, at Police Station Sector 36, Chandigarh, on account of his absence in the trial.

Learned counsel for the petitioner *inter alia* submits that the petitioner was granted regular bail by the Court concerned vide order dated 01.03.2024 (Annexure P-2). Thereafter, his bail bonds were accepted and attested vide order dated 02.03.2024 (Annexure P-3) and he was released from custody. But no further date of hearing was given to the petitioner and even the order Annexure P-3 is also silent about the same.

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Learned counsel further submits that it being so, there was no occasion for the petitioner to appear before the Court concerned on 08.07.2024. Even otherwise also the absence of the petitioner on 08.07.2024 was not intentional at all. It is also brought to the notice of the Court that police has not presented any challan till date and in the light of law laid down by the Hon'ble Supreme Court in the case titled as 'Free Legal Aid Committee, Jamshedpur Vs. State of Bihar', reported as 1982 AIR (Supreme Court) 1463, the accused released on bail is not required to appear before the Court until chargesheet is filed and process is issued by Court.

Notice of motion.

Mr. Kamal Kumar, Advocate, accepts notice for the respondent-UT, Chandigarh and submits that on 08.07.2024, the petitioner got absented and resultantly, impugned order Annexure P-4 was passed by the learned trial Court in accordance with law.

However, learned counsel for the respondent-UT, Chandigarh, has not disputed the fact that till date challan has not been presented against the petitioner.

In the light of the above, without expressing any opinion on the merits of the case, the present petition is hereby allowed and the impugned order dated 08.07.2024 (Annexure P-4) is set aside.

23.09.2024

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Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No

**(KARAMJIT SINGH)
JUDGE**