



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-49804-2024 (O&M)
DATE OF DECISION: 03.10.2024

SAHID @ ADVANI

...PETITIONER

Versus

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Khalid Tauru, Advocate for the petitioner(s).

Mr. B.S.Virk, Sr. DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

This petition has been filed under section 528 of The Bharatiya Nagarik Suraksha Sanhita 2023 with the prayer to quash the impugned order dated 24.09.2024 (P-7) passed by MACT, Nuh in case bearing CIS No. SC/276/2018 arising out of FIR No. 171 dated 20.05.2018 Under sections 186, 224, 307, 332, 353 IPC, 25 of Arms Act, and Sections 3 (2) (c) of Prevention of Damage to Public Property Act, 1984 registered at Police Station Sadar Tauru, District Nuh, vide which Non-Bailable Warrant has been issued against the present petitioner/ Sahid alias Advani due to non-appearance and the bail bonds and surety bonds of the petitioner Sahid alias Advani has been cancelled and forfeited to State, along with all the subsequent/ incidental proceedings arising therefrom.

Learned counsel for the petitioner submits that the petitioner claims that he did not appear in court on the specified date due to other cases being listed before the court at Gurugram on the same day. Despite



reaching the Court at Nuh at 12:00 noon, the court had already canceled the bail and issued non-bailable warrants by 11:15 am. The petitioner asserts his bonafide by highlighting regular appearance in court on all previously fixed dates, including September 24, 2024. He further submits that the petitioner did not had any intention to avoid attendance in the Court proceedings. 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 given by the petitioner that he will surrender before the trial Court.

Considering the submissions made by learned counsel and also in appreciation of the fact that it will only speed up the proceedings before the Trial Court which is one of the essence as enshrined under Article 21 of the Constitution of India, the petitioner is directed to surrender before the trial Court within a period of 10 days from today and apply for 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 revival of the instant petition.

The aforesaid order/concession to the petitioner shall be subject to payment of costs of Rs.10,000/- to be deposited with the Punjab and Haryana High Court Bar Clerk Association, Chandigarh and a receipt of the same be produced before the Trial Court and only in that eventuality, application of the petitioner for seeking bail be considered and decided on the same day in accordance with law.

Consequently the impugned order dated 24.09.2024 Annexure P-7 vide which Non-Bailable Warrant has been issued and surety bonds of the petitioner has been cancelled and forfeited to State is set aside and the instant petition is disposed of in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

03.10.2024

anuradha

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>