



118

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

**CRM-M No.50059 of 2024
Date of decision : 14.10.2024**

Balwinder Singh

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Jagdish Singh Mahal, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed under Section 528 of BNSS, 2023 praying for quashing of the impugned order dated 10.09.2024 (Annexure P-3) CNR No.PBKP010031212022 passed by the learned Sessions Judge, Kapurthala in case FIR No.0103, dated 06.09.2020, under Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957, Sections 188, 269, 270, 379 of IPC, 1860 and Sections 192, 196, 192(A) of the Motor Vehicles Act, 1988, registered at Police Station Begowal, District Kapurthala (Annexure P-1) whereby the bail orders of the petitioner were cancelled and his personal bonds were forfeited to the State.

2. It has been submitted by learned counsel for the petitioner that the petitioner was granted the concession of interim bail by the learned trial Court vide order dated 28.09.2020. He has submitted that thereafter he was duly appearing before the trial Court. He has submitted



that as the petitioner had noted the wrong date i.e. 09.10.2024 instead of 10.09.2024, he could not appear on one date i.e. 10.09.2024 and hence, his bail was cancelled and bail bonds/surety bonds were cancelled and forfeited to the State. He has submitted that nonailable warrants were issued against the petitioner for 01.10.2024. He has further submitted that absence of the petitioner was totally unintentional and the petitioner is ready and willing to appear before the trial Court and comply with all the conditions imposed by this Court while considering his request for his release on interim bail during the pendency of the main case.

3. Notice of motion.

4. On asking of the Court, Mr. Tarun Aggarwal, Sr. DAG, Punjab appears and accepts notice on behalf of the respondent-State. He has opposed the submissions made by learned counsel for the petitioner and has stated that the trial Court has rightly cancelled the bail granted of the petitioner, who remained absent on 10.09.2024 without any valid reason.

5. After hearing counsel for the parties and perusing the record, it is apparent that the petitioner remained absent on one day i.e. on 10.09.2024 and his bail was cancelled and bail/surety bonds were forfeited to the State and nonailable warrants of arrest were issued for 01.10.2024. The reason for his absence has been given that he got noted a wrong date. The petitioner is keen to join the proceedings. So keeping in view the abovesaid facts, the present petition is disposed of and the impugned order dated 10.09.2024 is *set aside* subject to payment of Rs.10,000/- as costs to be deposited with the Punjab & Haryana High Court Bar Association, Chandigarh by the petitioner within one week

from today. In case, the petitioner appears and surrenders before the Court concerned within a period of 10 days from today and files an application for bail alongwith receipt of abovesaid costs, the Court concerned is directed to admit him to bail subject to its satisfaction and proceed with the trial in accordance with law. He will have protection from arrest for a period of 10 days from today.

6. Needless to say that in case the petitioner fails to comply with the abovesaid direction, he will have no benefit of abovesaid protection granted by this Court and order under challenge dated 10.09.2024 would come in force and the present petition would be deemed to have been dismissed.

14.10.2024		(RAJESH BHARDWAJ)
<i>rittu</i>		JUDGE
	Whether speaking/reasoned	: Yes/No
	Whether reportable	: Yes/No