



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

**CRM-M-50580-2024
DECIDED ON:14.10.2024**

BHUPINDER SINGH

.....PETITIONER

VERSUS

TARSEM SINGH AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. G.C. Shahpuri, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. This petition has been filed under Section 582 of BNSS, 2023 seeking quashing of the order dated 26.07.2024 (Annexure P-2), passed by Judicial Magistrate Ist Class, Ambala, whereby the regular bail of the petitioner stands cancelled and bail bonds forfeited and non-bailable warrants has been ordered to be issued with further prayer to quash the order dated 20.09.2024 (Annexure P-4) vide which, he has been declared as proclaimed person.

2. It is vehemently contended by learned counsel for the petitioner that on 26.07.2024, the petitioner could not appear before the trial Court due to official exigencies and urgent work commitments at Punjab National Bank, where he is working as Clerk. It is further contended that the said fact was duly intimated to the counsel but, his counsel neither appeared on his behalf nor filed any application for personal exemption, leading to the cancellation of bail bonds, forfeiture of surety bonds and issuance of non-bailable warrants. Further more, the petitioner was

simply told that the matter is adjourned for 20.09.2024, however, he came to know only when the official came to serve proclamation notice upon him. Subsequently, he was declared proclaimed offender vide order dated 20.09.2024.

3. Learned counsel for the petitioner on instruction from his client undertakes before this Court that there will be no default in future qua his presence before the trial Court on any of the dates and no such application for exemption from personal appearance would be made until and unless there is justifiable cause only.

4. In light of the above, this Court is sanguine 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 and in view of the undertaking given by counsel for the petitioner, this petition is allowed and orders dated 26.07.2024 and 20.09.2024 (Annexures P-2 & P-4) passed by Judicial Magistrate Ist Class, Ambala are hereby quashed.

5. The petitioner is directed to surrender before the trial Court within a period of 10 days from today and apply for regular bail.

6. In case, such any such 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.

7. 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.

8. There is no denial to the fact that due to petitioner's act, delay has occurred in trial proceedings and has caused prejudice to the other side and to compensate the delay which is caused by the petitioner alone, he is directed to

deposit costs of Rs.10,000/- with the Punjab and Haryana High Court Bar Clerks' Association and a receipt thereof, be produced before the trial Court and only in that eventuality, application of the petitioner seeking bail be considered and decided on the same day.

9. The instant petition is disposed of in the aforesaid terms.

14.10.2024

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(SANDEEP MOUDGIL)
JUDGE

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