



CRM-M-51114-2024

-1-

118

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

CRM-M-51114-2024

Date of Decision: October 22, 2024

Sunny

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.Rishav Kamboj, Advocate with
Ms.Trannum Sethi and
Mr.Nitin Kumar, Advocate
for the petitioner.

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RAJESH BHARDWAJ, J.(ORAL)

1. Prayer in the present petition is for quashing of impugned order, dated 15.06.2024, passed by learned Judicial Magistrate Ist Class, Phillaur, in case No.CHA 56 of 2023 titled as '**Punjab State vs Sunny etc.**' instituted on 25.09.2023 in FIR No.112, dated 15.05.2023, under Sections 25/54/59 of Arms Act, registered at Police Station Phillaur, District Jalandhar (Rural), whereby, due to non-appearance of the petitioner on 15.06.2024, his bail/surety bonds were cancelled and non-bailable warrants were issued against him. It is further prayed to stay the operation of the impugned order, dated 15.06.2024 during pendency of the present petition.

2. Learned counsel for the petitioner has submitted that petitioner has been implicated in the aforementioned case and he was on regular bail. It is submitted that the petitioner was regularly appearing before the lower



15.06.2024 due to noting of wrong date and hence his bail/ surety bonds were cancelled and forfeited to the State and non-bailable warrants were issued. He further submits absence of the petitioner was not intentional and he apologises for his mistake and undertakes not to repeat this mistake again. It is further submitted that petitioner is ready to join the proceedings and face the trial.

3. Notice of motion to official respondent only.

4. On asking of the Court, Mr.Tarun Aggarwal, Sr.DAG, Punjab, who is present in Court, accepts notice on behalf of the respondents/State. He has opposed the contentions raised by learned counsel for the petitioner.

5. Heard.

6. After hearing learned counsel for the parties, it is apparent that the petitioner was on bail in the present case and he could not appear before the Court on one day, i.e. 15.06.2024 due to noting down of wrong date and hence his bail/surety bonds were cancelled and forfeited to the State and non-bailable warrants were issued. However, as he is ready to face the trial, this Court deems it appropriate to grant one opportunity to the petitioner to surrender before the trial Court and face the trial. Hence, the present petition is disposed of. Order dated 15.06.2024 is set aside subject to payment of Rs.10,000/- as costs to be deposited with the Sadhna Society for the Mentally Handicapped, Near Housing Board Chowk, Roen Basera Building, Manimajra, Sector 13, Chandigarh, within a period of seven days from today. The petitioner is directed to appear before the trial Court within ten days from today and file an application for bail alongwith receipt of



CRM-M-51114-2024

-3-

bail till the disposal of the case on his furnishing bail/surety bonds to its satisfaction. He will have protection from arrest for a period of ten days from today. 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 15.06.2024 would come in force and the present petition would be deemed to have been dismissed.

October 22, 2024

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**(RAJESH BHARDWAJ)
JUDGE**

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| 1. Whether speaking/reasoned ? | Yes/No |
| 2. Whether reportable ? | Yes/No |