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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-52783-2024
Date of decision : 23.10.2024

Gabrial @ Gabrail Singh @ Sahil
.....Petitioner

Versus

State of Punjab
..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Gagandeep Singh Simble, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for quashing of order dated 22.07.2024 (Annexure P-4) passed by learned Additional Sessions Judge, Gurdaspur whereby bail orders of petitioner stand cancelled and he is summoned through non-bailable warrants of arrest by ld. Trial Court in FIR No.359 dated 10.11.2020 under Section 379-B IPC registered with Police Station Civil Lines, Batala, Police District Batala, District Gurdaspur and bail bonds and surety bonds were ordered to be forfeited to State. Further prayer has been made for staying the operation of impugned order dated 22.07.2024.

2. It has been contended by counsel for the petitioner that in the above said case the petitioner was on bail and was regularly appearing before the trial Court. However, on one date i.e. on 22.07.2024, he was admitted in Baba Banda Singh Bahadur Gurmat Vidhayala, Gurdaspur and due to this reason he remained absent from the Court and as a result



thereof his bail order was cancelled and non-bailable warrants were issued against him. He submits that the petitioner has no criminal antecedents and he is ready to join the proceedings and abide by the terms and conditions of bail.

3. Notice of motion to official respondent only.

4. On asking of the Court, Mr. Tarun Aggarwal, Sr. D.A.G., Punjab accepts notice on behalf of the respondent-State.

5. Learned State counsel 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 22.07.2024 without any valid reason.

6. After hearing counsel for the petitioner and perusing the record, it is apparent that the petitioner remained absent on one day i.e. on 22.07.2024 and his bail was cancelled and bail bonds were forfeited to the State and non-bailable warrants were issued. The reason for his absence has been given that he was admitted in Baba Banda Singh Bahadur Gurmat Vidhayala, Gurdaspur. 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 22.07.2024 is *set aside* subject to payment of Rs.10,000/- as costs to be paid to the 'Punjab and Haryana High Court Bar Association' 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.



7. 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 22.07.2024 would come in force and the present petition shall be deemed to have been dismissed.

23.10.2024
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(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No