



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

CRM-M-53247-2024

Date of decision : 24.10.2024

Gulzar Khan @ Sonu

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Deepak Goyal, Advocate for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for setting aside the order dated 27.09.2024 passed by the learned Sub Divisional Judicial Magistrate, Sunam, District Sangrur in case FIR No.16 dated 21.02.2023, under Section 379 of IPC (Section 411 IPC added later on), at Police Station Dirba District Sangrur whereby bail order of petitioner stands cancelled and bail bonds/surety bonds also stands cancelled and forfeited to the State and further non-bailable warrants of arrest of petitioner has been issued along with consequential proceedings initiated thereon. Further prayer has been made to stay the further proceedings before the trial Court.

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 27.09.2024, he could not reach the trial Court in time and by the time he reached, bail of the petitioner stood cancelled and bail/surety bonds were forfeited to the State and non-bailable warrants of arrest against him were issued. He submits that now the petitioner 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 to the petitioner who remained absent on 27.09.2024 without any valid reason.
6. After hearing counsel for the petitioner and perusing the record, it is apparent that the petitioner remained absent on 27.09.2024 and his bail order was cancelled and he was ordered to be summoned through non-bailable warrants. Now the petitioner is keen to join the proceedings. So keeping in view the abovesaid facts, the present petition is disposed of and the order dated 27.09.2024 is *set aside*. 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, 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 27.09.2024 would automatically come in force and the present petition shall be deemed to have been dismissed.

24.10.2024
m.sharma

(RAJESH BHARDWAJ)
JUDGE

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