

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

130

CRM-M-53661-2024  
DATE OF DECISION: 25.10.2024

SANDEEP KUMAR

...PETITIONER

Versus

STATE OF PUNJAB AND ANR

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. R.S. Brar, Advocate for the petitioner(s).

Mr. Jaspal Singh Guru, AAG, Punjab.

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SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 528 BNSS for quashing the impugned order dated 14.08.2024 (Annexure P- 3), passed by Judicial Magistrate First Class, Ferozepur, District Ferozepur, whereby bail order of the petitioner has been cancelled and his bail/surety bonds have been forfeited to the State and non-bailable warrants as well as notice to the surety has been issued and further quashing of the impugned order dated 04.09.2024 (Annexure- P- 4) whereby the proceedings under section 83 of Cr.P.C. have been initiated against the petitioner, in Complaint case bearing No. NACT 387 of 2022 titled as 'Bharat Singla versus Sandeep Kumar' (Annexure-P-1).

Learned counsel for the petitioner submits the petitioner could not appear before the Trial Court on one date i.e.14.08.2024 on account of performing last rites of his mother-in-law and therefore, could not inform his counsel and has been marked absent, therefore, his



bail was cancelled and bail bonds were forfeited to the State and further non-bailable warrants were issued against the petitioner for 04.09.2024. He did not had any intention to avoid attendance in the Court proceedings otherwise he was appearing regularly on each and every date before the Court. He undertakes that the petitioner will surrender before the trial Court and shall join the trial proceedings without any delay or default in future.

Notice of motion.

On the asking of the Court, learned State Counsel accepts notice on behalf of the respondent-State, who is not averse to the undertaking given by the petitioner that he will surrender before the trial Court.

Considering the submissions made by learned counsel and also in appreciation 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, the petitioner is directed to surrender before the trial Court on or before **29.10.2024** and apply for regular bail.

In case, such an 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.

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.



In view of the aforementioned reasons, the impugned order dated 14.08.2024 (Annexure P- 3), passed by Judicial Magistrate First Class, Ferozepur, District Ferozepur, whereby bail order of the petitioner has been cancelled and his bail/surety bonds have been forfeited to the State and non-bailable warrants as well as notice to the surety has been issued and further the impugned order dated 04.09.2024 (Annexure- P- 4) whereby the proceedings under section 83 of Cr.P.C. have been initiated against the petitioner are quashed.

The instant petition is disposed of in the aforesaid terms.

(SANDEEP MOUDGIL)  
JUDGE

25.10.2024  
anuradha

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |