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CRM-M-55891-2024

2024.PHHC.171147



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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-55891-2024

Date of decision: 19.12.2024

MADHAN MASIH @ MADAN MASIH

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Gagandeep Advocate for
Mr. Pratula Sethi, Advocate
for the petitioner.

Mr. Amit Shukla, AAG Punjab.

.....

SANJIV BERRY, J. (ORAL)

The instant petition under Section 528 of BNSS, 2023 has been moved by the petitioner seeking quashing of the order dated 01.10.2024 (Annexure P-3) passed by learned Sessions Judge, Gurdaspur in case No.CIS No. SC-265-2024, title as '*State of Punjab vs. Manpreet Singh @ Manu and others*', vide which the petitioner had been summoned through warrants of arrest and the anticipatory bail granted to the petitioner vide order dated 17.08.2023 (Annexure P-2) in case FIR No.49 dated 10.06.2023 (Annexure P-1) under Sections 307, 148, 149 IPC and 25, 27 of Arms Act P.S. Qila Lal Singh, Police District Batala, District Gurdaspur was cancelled and bail/surety bonds were ordered to be forfeited.



2. Learned counsel for the petitioner *inter alia* contends that in compliance of the order dated 11.11.2024 and 29.11.2024, the petitioner appeared before the learned trial Court on 09.12.2024 and furnished requisite bail bonds, surety bonds and has also deposited the costs as imposed by this Court and placed on record copy of order dated 09.12.2024 passed by learned Sessions Judge, Gurdaspur. He contends that since the petitioner has joined the trial Court proceedings, as such the order dated 01.10.2024 (Annexure P-3) passed by learned Sessions Judge, Gurdaspur whereby the petitioner had been summoned through warrants of arrest and the anticipatory bail granted to the petitioner vide order dated 17.08.2023 (Annexure P-2) was cancelled and bail/surety bonds were ordered to be forfeited, be quashed.

3. Learned State counsel has not disputed the aforesaid factual matrix of the case and submits that petitioner appeared on 09.12.2024 before the learned trial Court and furnished requisite bail bonds.

4. Heard.

5. During the course of the proceedings, following order was passed on 11.11.2024:-

“2. *Heard.*

3. *It is, inter alia, contended by learned counsel for the petitioner that the petitioner after having been nominated in case FIR (Annexure P-1), was granted concession of bail vide order dated 17.08.2023, passed by learned Sessions Judge, Gurdaspur in case CIS No. BA-2498-2023, titled as ‘Madan Masih vs. State of Punjab’ and thereafter he had been regularly appearing in the Court to face the trial in case CIS No. SC-265-*



2024 (supra), before the learned Sessions Judge, Gurdaspur, however, 01.10.2024, he could not appear in the Court having wrongly noted the date leading to cancellation of his bail and issuance of nonailable warrants of arrest. He contends that the absence of the petitioner was not intentional but on account of having wrongly noted the date and contends that the petitioner will regularly appear in the Court on each and every date of hearing without fail and face the trial.

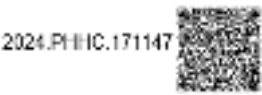
4. Notice of motion, returnable for 29.11.2024.

5. On the asking of the Court, Ms. Seena Sandhu, Addl. AG, Punjab, who is present in Court, accepts notice and does not dispute the factual matrix of the case. She submits that next date fixed before the learned Trial Court is 09.12.2024.

6. Keeping in view the above facts and circumstances, the petitioner is directed to appear before the learned Trial Court/Judge on duty/Duty Magistrate within a period of 07 days from today and in that event, learned Trial Court/Judge on duty/Duty Magistrate will admit the petitioner on interim bail subject to its satisfaction on his furnishing requisite bail/surety bonds, however, subject to deposit of a cost of Rs. 10,000/- in the District Legal Services Authority, Gurdaspur, before furnishing bail/surety bonds.

7. The petitioner shall also furnish a specific undertaking before the learned Trial Court/Judge on duty/Duty Magistrate, that, in future, he would be regularly appearing before the concerned Court on each and every date and in case of some exigency, he will seek prior permission of the concerned Court qua his exemption to appear on the date fixed.”

6. Keeping in view the fact that the petitioner has already appeared on 09.12.2024 before the learned trial Court and furnished requisite bail/surety bonds consequent to the order dated 11.11.2024 and 29.11.2024, passed by this Court, the present petition is allowed and order dated 01.10.2024 (Annexure P-1), passed by learned Sessions Judge, Gurdaspur, whereby the petitioner had been summoned through warrants of arrest and the anticipatory bail granted to the petitioner vide order dated



17.08.2023 (Annexure P-2) was cancelled and bail/surety bonds were ordered to be forfeited is hereby set aside and the interim bail granted vide order dated 11.11.2024 and 29.11.2024 is hereby confirmed.

7. The petition stands disposed of.

19.12.2024
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(SANJIV BERRY)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |