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IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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Date of decision : 14.11.2024

Pushkar Bhardwaj

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Atinderpal Singh, Advocate
for the petitioner.

Mr. R.S. Thind, DAG Punjab

KIRTI SINGH, J. (Oral)

The present petition has been filed under Section 528 of BNSS, 2023 for quashing of order dated 07.08.2024 (Annexure P-5) passed by Chief Judicial Magistrate, Amritsar vide which bail order of the petitioner was cancelled, bail bonds and surety bonds were forfeited in favour of State and non-bailable warrants were issued for 10.10.2024.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and it is alleged that the petitioner had entered into the house of the complainant and had committed a theft. He further submits that the petitioner was granted bail vide order dated 05.05.2024 and since then he was regularly appearing before the trial Court. He further submits that challan was presented on 20.01.2024 and the matter was adjourned to 29.04.2024.

However, on 07.08.2024, the petitioner failed to appear as he noted the wrong date

and on account of the same, non-bailable warrants were issued. He further



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submits that his absence was unintentional and he is ready to appear before the trial Court and abide by all terms and conditions imposed upon him.

3. Notice of motion.

4. At asking of the Court, Mr. R.S. Thind, DAG Punjab, accepts notice on behalf of the respondent-State and waives service. He opposed the petition and submits that the impugned order has rightly been passed by the trial Court.

5. Heard the rival submissions made by learned counsel for the parties.

6. On hearing learned counsel for the parties and perusing the record, it is apparent that the petitioner was granted bail by the trial Court, however, he could not appear before the trial Court on one date i.e. 07.08.2024 and on account of the same, his bail bonds/surety bonds were cancelled. The petitioner is ready to appear before the trial Court and face the trial.

7. The objective of the coercive mechanism prescribed is to ensure that the accused remains present before the Court to receive the orders and punishments as are passed qua the accused. If the accused shows his sincere intention and desire to appear before the Court, then it would not be unjustified to protect him from being arrested.

8. This Court finds that no useful purpose will be served by sending the petitioner in custody when he was continuously appearing before the trial Court but could not appear on one date only.

9. In view of the above, the present petition is allowed. Order dated 07.08.2024 (Annexure P-5) is hereby set aside **subject to payment of cost of Rs.10,000/- by the petitioner to be deposited with the Poor Patient Welfare Fund, PGIMER Chandigarh.** The petitioner after depositing the cost as stated

above would appear before the trial Court within one week and file appropriate



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application along with receipt of payment of cost. The trial Court would release the petitioner on bail on his furnishing fresh bail bonds to its satisfaction. In the meanwhile, no coercive action would be taken against the petitioner. In case, the petitioner fails to appear before the trial Court within a week or fails to deposit the cost as stated above, this order would be of no avail to the petitioner.

(KIRTI SINGH)
JUDGE

14.11.2024
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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No