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

**CRM-M No.56597 of 2024
Date of decision : 13.11.2024**

Amit Kumar @ Ninja @ Amit Bhalla**.....Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Ms. Promila Nain, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed praying for quashing of impugned order dated 06.09.2024 (Annexure P-3) and order dated 04.11.2024 (Annexure P-6) and all other consequential proceedings arising therefrom whereby the learned JMIC, Jalandhar has cancelled the bail bonds and surety bonds of the petitioner and forfeited to the State in case FIR No.44, dated 05.03.2016 (Annexure P-1) under Sections 279, 337, 338, 427 of IPC (registered at Police Station Phillaur, District Jalandhar) and the petitioner is ordered to be summoned through non-bailable warrants of arrest for 30.09.2024 and notice to surety is also issued in an illegal and arbitrary manner. Petitioner was unable to appear before the learned trial Court on 06.09.2024 as per the direction by the learned trial Court dated 04.09.2024 (Annexure P-2). Further prayer has been made for staying the operation of impugned order dated 06.09.2024

(Annexure P-3) and consequential proceedings during the pendency of the



present petition.

2. It has been submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the FIR, however he was granted bail. She has submitted that the petitioner was duly appearing before the trial Court and whenever he was not present, the application for exemption was always filed by him. She has submitted that the petitioner went abroad and thus he could not appear before the trial Court but he filed the exemption application which was declined and thus, now his bail order was cancelled and bonds bonds and surety bonds were forfeited to the State. She has submitted that now the non-bailable warrants were issued against the petitioner for 18.11.2024. She has submitted that absence of the petitioner was totally unintentional. She has further submitted that the petitioner is ready and willing to appear before the trial Court and comply with all the conditions imposed upon him.

3. Notice of motion.

4. On asking of the Court, Mr. Tarun Aggarwal, Sr. DAG, Punjab appears and accepts notice on behalf of the respondent-State. He has opposed the submissions made by learned counsel for the petitioner and has stated that the trial Court has rightly cancelled the bail order of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is apparent that the petitioner remained absent and thus, his bail order was cancelled and non bailable warrants of arrest were issued for 18.11.2024. The reason for his absence has been given that he was in abroad. As the petitioner is keen to join the proceedings, so keeping in view the abovesaid facts, the present petition is disposed of and the



impugned orders dated 06.09.2024 (Annexure P-3) and 04.11.2024 (Annexure P-6) are hereby *set aside* subject to payment of costs of Rs.25,000/- to be deposited with the Spinal Rehab Centre, Plot No.1, Madhya Marg, Sector 28-A, Chandigarh 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.

6. 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 orders under challenge dated 06.09.2024 and 04.11.2024 would come in force and the present petition would be deemed to have been dismissed.

13.11.2024
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(RAJESH BHARDWAJ)
JUDGE

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