



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-56874-2024

Date of Decision:- 22.11.2024

SUKHWINDER SINGH AND ANOTHER

....Petitioners

Vs.

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. K.S. Hissowal, Advocate for petitioners.
Mr. Kewal Singh, Addl. A.G. Punjab.

AMARJOT BHATTI, J.

CRM-45927-2024

This is an application under Section 528 of BNSS, 2023 for placing on record zimni orders dated 15.07.2024, 22.08.2024 and 25.10.2024.

For the reasons mentioned in the application, same is allowed and copies of orders are taken on record as Annexures P-4 to P-6, subject to just exceptions.

Main case.

1. Petitioners Sukhwinder Singh and another have filed petition under Section 528 of BNSS, 2023 for quashing of impugned order dated 03.06.2024 passed by learned Sub-Divisional Judicial Magistrate, Khadur Sahib, District Tarn Taran (Annexure P-2) vide which their bail was cancelled by marking them absent in FIR No.191 dated 15.05.2020 under Sections 323/324/325/326/34 IPC and their warrants were issued with

further prayer that petitioners are ready to face trial and abide by the terms and conditions imposed by this Court with further prayer that Court may pass any appropriate order or direction which the Court may deem fit and proper in the given facts and circumstances of the case.

2. Learned counsel for petitioners has placed on record all relevant zimni orders, therefore, no purpose would be served by giving notice to the respondents and the same is dispensed with.

3. I have considered the arguments and have gone through the record. As per the impugned order dated 03.06.2024 (Annexure P-2), both petitioners Sukhwinder Singh and Gurjinder Singh were marked absent and their bail was cancelled and bail bonds and surety bonds were forfeited to the State and their arrest warrants were issued for 15.07.2024. Learned counsel for petitioners tried to justify absence by taking stand that both petitioners mistook the date and on that account could not appear in the Court. Otherwise there was no intentional absence on their part. I have considered the documents which indicates that both petitioners filed second anticipatory bail on 05.09.2024 which was declined on 17.09.2024 (Annexure P-3). Thereafter, as per zimni order dated 15.07.2024 their non-bailable warrants were received back unexecuted and the same were issued for 22.08.2024. Again on that day, non-bailable warrants were received back unexecuted. Ultimately their proclamations were issued under Section 82 Cr.P.C. for 25.10.2024. As per the order dated 25.10.2024, proclamations were duly executed and since period of 30 days did not lapse, therefore, it was adjourned for 27.11.2024. Relevant zimni orders are Annexures P-4 to P-6. Considering the aforesaid factual position, lenient view is taken. Petitioners firstly tried to procure anticipatory bail

absence on their part. Therefore, impugned order dated 03.06.2024 (Annexure P-2) passed by learned Sub-Divisional Judicial Magistrate, Khadur Sahib, District Tarn Taran is accordingly quashed with the direction to both petitioners to surrender before the trial Court before next date of hearing i.e. 27.11.2024 subject to deposit of Rs.10,000/- each with District Legal Services Authority, Tarn Taran and thereafter be released on bail to the satisfaction of trial Court.

4. Petition is, accordingly, disposed of.

5. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

(AMARJOT BHATTI)
JUDGE

22.11.2024
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Whether speaking/reasoned: Yes/No.
Whether reportable: Yes/No