



CRM-M-57385-2024

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

CRM-M-57385-2024 (O&M)
Date of Decision: 18.11.2024

Balraj Singh @ Balraj Singh Dhillon

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Rahul Arora, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for quashing of the order dated 02.01.2024 passed by learned Additional Chief Judicial Magistrate, Faridkot (Annexure P-5), whereby, the petitioner has been marked absent in case titled as State vs. Balraj Singh, arising from FIR No.29 dated 18.02.2023, registered under Section 25 of Arms Act, 1959, at Police Station Sadar Faridkot, District Faridkot.

2. It has been contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case. He submits that the petitioner was granted bail by this Court vide order dated 13.04.2023 and thereafter, he was regularly appearing before the Court. However, on 02.01.2024, due to some family problem, the petitioner failed to appear before the Court and due to mis-communication with his counsel, he could not file application for exemption from his personal appearance before the Court and due to which, his bail/surety bonds were forfeited to the State and he was ordered to be summoned through non-bailable warrants. He submits that absence of the petitioner was totally unintentional and due to the circumstances beyond his control. He further submits that the



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petitioner is ready to appear before the trial Court and abide by all the terms and condition, if any imposed by this Court.

3. Notice of motion.

4. Mr. Tarun Aggarwal, Sr. DAG, Punjab, accepts notice on behalf of the State and submits that learned trial Court has rightly cancelled the bail of the petitioner, as he failed to appear before the Court.

5. Heard.

6. After hearing learned counsel for the parties and perusing the record, it is evident that due to miscommunication with his counsel, the petitioner could not appear before the trial Court on 02.01.2024, and due to his non-appearance, his bail was cancelled and bail bonds/surety bonds were forfeited to the State. In these circumstances, when the petitioner is ready to join the trial and face the proceedings, the order dated 02.01.2024 is set aside subject to payment of Rs.10,000/- as costs to be paid to Gurudwara Sri Guru Singh Sabha, (registered) Sector -7C, Chandigarh by the petitioner within period of seven days from today.

7. The petitioner is directed to appear before the trial Court within a period of ten days from today and file an appropriate application alongwith receipt of costs and the trial Court would grant him bail till the disposal of the case on his furnishing fresh bail/surety bonds to its satisfaction. The petitioner will have protection from arrest for a period of 10 days from today. The trial Court is free to impose any condition on the petitioner while admitting him to bail.

8. Needless to say that in case the petitioner fails to comply with the abovesaid direction, this order would be of no avail to him and the order

dated 02.01.2024 will come in force and the present petition shall be deemed to have been dismissed.

9. Petition stands disposed of in abovesaid terms.

18.11.2024			(RAJESH BHARDWAJ)
sharmila			JUDGE
	Whether Speaking/Reasoned	:	Yes/No
	Whether Reportable	:	Yes/No