

2024:PHHC:154135



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM M-58400 of 2024
Date of Decision: 22.11.2024

Jagdeep Kumar @ Kukki Baba ...Petitioner
Versus
State of Punjab ... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Nishant Sehgal, Advocate, for the petitioner.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present petition under Section 528 of BNSS with a prayer to set-aside the impugned order dated 23.05.2024 (Annexure P-4) passed by the Additional District and Sessions Judge, Sri Muktsar Sahib, whereby, the bail order was cancelled and the bail bonds and the surety bonds of the petitioner were forfeited to the State due to the non-appearance of the petitioner.
2. Learned counsel for the petitioner contends that the petitioner could not appear before the trial Court 11.03.2024 as he was not aware about the next date of hearing due to the communication gap with the counsel. Learned counsel for the petitioner further submits that due to this reason, the petitioner could not appear before the trial Court and his absence before the trial Court

was not intentional. Learned counsel submits that the petitioner shall appear on each and every date of hearing and shall not remain absent without the permission of the trial Court.

3. Notice of motion.

4. On the asking of Court, Mr. M.S. Bajwa, DAG, Punjab accepts notice on behalf of respondent-State. Learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that the petitioner did not appear before the trial Court and does not deserve any leniency by this Court.

5. I have heard learned counsel for the parties and perused the record.

6. After perusing the records, this Court finds that there is no illegality in the impugned order 23.05.2024 (Annexure P-4) passed by the Court of Additional District and Sessions Judge, Sri Muktsar Sahib. However, taking a lenient view of the matter, the petitioner is directed to surrender before the trial Court within a period of two weeks from today and on his appearance, he shall be admitted to bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

7. The petitioner shall file an affidavit before the trial Court that he shall appear on each and every date of hearing and shall not remain absent during the trial without prior permission of the trial Court. In case, the petitioner does not appear on any date of hearing

before the trial Court without prior permission, it shall be viewed seriously and the necessary consequences will follow.

8. Disposed off.

22.11.2024
amit rana

(N.S.SHEKHAWAT)
JUDGE

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