

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-58999-2024
Date of Decision:26.11.2024

Mohd. Iqbal @ Iqbal Mohammad ...Petitioner

vs.

State of Punjab ...Respondent

Coram : Hon’ble Mr. Justice N.S.Shekhawat

Present : Mr. Imran Farooqi, Advocate
for the petitioner.

Mr. I.P.S Sabharwal, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 528 of B.N.S.S with a prayer to quash the impugned order dated 06.11.2024 (Annexure P-4) passed by the Court of Additional Sessions Judge, Malerkotla, arising out of FIR No.111, dated 26.06.2010, under Sections 382,323, 452, 427, 148 and 149 of IPC, registered at Police Station City-II, Malerkotla, District Sangrur (now Malerkotla) (Annexure P-1), whereby the bail of the petitioner was cancelled and the bail bonds and surety bonds were ordered to be forfeited to the State and the petitioner was ordered to be summoned through non-bailable warrants of arrest.
2. Learned counsel for the petitioner contends that the petitioner was ordered to be convicted vide judgment of conviction dated 01.09.2016 and was sentenced to undergo RI for a period of one year. Learned counsel further contends that sentence imposed on the petitioner was suspended by the

Appellate Court vide order dated 12.04.2018. He next contends that the petitioner was regularly appearing before the Appellate Court, however, he could not appear before the Appellate Court on 06.11.2024, as he was unaware of the transfer of case to District and Sessions Court, Malerkotla. Due to non-appearance of the petitioner, the Appellate Court had cancelled the bail and the bail bonds and surety bonds were ordered to be forfeited to the State and the petitioner was ordered to be summoned through non-bailable warrants of arrest. Learned counsel for the petitioner next contends that the petitioner is ready to surrender before the Court and shall join the trial proceedings. He further contends that the petitioner shall appear on each and every date of hearing, before the Appellate Court and shall not absent himself during the Court proceedings.

3. Notice of motion.

4. Mr. I.P.S Sabharwal, DAG, Punjab, who is present in the Court, accepts notice on behalf of respondent-State.

5. Learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the petitioner had not appeared intentionally before the Trial Court and there is no illegality in the impugned order dated 06.11.2024 passed by the Court of Additional Sessions Judge, Malerkotla and the petitioner does not deserve the concession of bail.

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

7. The petitioner is senior citizen, aged about 71 years and suffering from various ailments. Thus, taking a lenient view of the matter, the petitioner is permitted to surrender before the Appellate Court/Duty Magistrate within a

period of two weeks from today and on his surrender, he shall be admitted to bail subject to furnishing bail bonds and surety to the satisfaction of the concerned Court.

8. At the time of furnishing of bail bonds, the petitioner shall also file an affidavit before the concerned Court that he shall continue to appear before the Court on each and every date of hearing and shall not absent himself during the court proceedings, except with prior permission of the Court.
9. The Appellate Court/Duty Magistrate shall also be at liberty to impose any other conditions, as it deems fit in the peculiar facts and circumstances of case.
10. The petition stands allowed in the above terms.

26.11.2024

hitesh

(N.S.SHEKHAWAT)

JUDGE

Whether speaking/reasoned :

Whether reportable :

Yes/No

Yes/No