



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

CRM-M-59325-2024

DATE OF DECISION : 27.11.2024

JAGDEEP

..PETITIONER

Versus

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Shivam Chaudhary, Advocate and
Mr. Sanyam Khetarpal, Advocate for the petitioner(s).
Mr. B.S.Virk, Sr. DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

This petition has been filed under Section 528 of BNSS, 2023 for quashing of order dated 27.02.2020 (Annexure P-3) passed by JMIC, Hisar, whereby petitioner's bail has been cancelled, his bail bonds/surety bonds have been forfeited to State and warrants of arrest against the petitioner have been issued, in case FIR No. 870 dated 25.12.2016 (Annexure P-1) registered under Sections 3 of Prevention of Damage To Public Property act, 1984 at Police Station Civil Lines, Hisar, District Hisar and for quashing of all consequential proceedings arising out of order dated 27.02.2020 (Annexure P-3).

Learned counsel for the petitioner submits on 27.02.2020 the petitioner informed his then counsel that he was unwell and not in a position to attend the court proceedings. However, the counsel neither filed an application for exemption on behalf of the petitioner nor appeared before the court. As a result, the petitioner's bail was canceled,



and his bail bonds was forfeited, thereafter COVID-19 pandemic posed a severe threat across the country and there was nationwide lockdown. After that, the petitioner suffered from jaundice which made him physically weak and unfit to engage in any work and the doctor advised him for a long rest and medical attention. It is his contention that after cancellation of bail, there was no notice or intimation was sent to the petitioner regarding issuance of non-bailable warrants against him. He further submits that the petitioner did not had any intention to avoid attendance in the Court proceedings otherwise he was appearing regularly on each and every date before the Court. He undertakes that the petitioner will surrender before the trial Court and shall join the trial proceedings without any delay or default in future and will abide by any terms and conditions imposed by the Court.

Notice of motion.

On the asking of the Court, learned State Counsel accepts notice on behalf of the respondent-State, who is not averse to the undertaking given by the petitioner that he will surrender before the trial Court.

Considering the submissions made by learned counsel and also in appreciation of the fact that it will only speed up the proceedings before the Trial Court which is one of the essence as enshrined under Article 21 of the Constitution of India, the petitioner is directed to surrender before the trial Court within a period of 10 days from today and apply for regular bail.



In case, such an application for bail is moved by the petitioner before the learned trial Court, the same shall be considered on the same date and decided in accordance with law.

However, it is made clear that in case the petitioner does not abide by the aforesaid undertaking, the respondent/State shall be at liberty to move an appropriate application for revival of the instant petition.

The aforesaid order/concession to the petitioner shall be subject to payment of costs of Rs.10,000/-, which will be considered as a penalty for for causing delay in judicial proceedings, to be deposited with the Chandi Kusht Asshram Society, (account No.1445265900) (IFSC Code KKBK0004211), Kotak Mahindra Bank, Sector 46-C Chandigarh and a receipt of the same be produced before the Trial Court and only in that eventuality, application of the petitioner for seeking bail be considered and decided on the same day in accordance with law.

The instant petition is disposed of in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

27.11.2024
anuradha

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