



138

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

CRM-M-61437-2024

Date of Decision:09.12.2024

Sukhveer Singh

...Petitioner

VS.

State of Punjab

...Respondent

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

Present : Mr. Chahit Bansal, Advocate
for the petitioner.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to quash the order dated 15.04.2024 (Annexure P-4), passed by the Court of Sub-Divisional Judicial Magistrate, Budhlada in case FIR No.6, dated 21.01.2022 under Sections 61/1/14 of Excise Act, registered at Police Station Boha, District Mansa, whereby, the bail order of the petitioner was ordered to be cancelled and his bail bonds and surety bonds were forfeited in favour of the State and non-bailable warrants were issued against him as well as the order dated 23.08.2024 (Annexure P-5) and order dated 20.11.2024 (Annexure P-6), vide which the trial Court had issued proclamation warrants against him.

2. Learned counsel for the petitioner contends that the petitioner was falsely involved in the present case. The petitioner was arrested in the present case at the spot and vide order dated 31.01.2022 (Annexure P-2), the petitioner was granted the concession of regular bail by the trial Court.



Learned counsel further submits that the petitioner had been regularly appearing before the trial Court till 24.01.2024 and thereafter, on 13.04.2024, the petitioner got admitted in Sharma Nursing Home as he was suffering from acute abdomen and was advised complete bed rest. Thereafter, the petitioner was nominated in FIR No. 96 dated 19.07.2023 under Sections 307, 323, 324, 148, 149 of IPC, registered at Police Station City, Mansa, in which, the petitioner had applied for anticipatory bail, which was allowed by this Court vide order dated 04.09.2024 due to which he was unable to appear in the trial Court on 23.08.2024 and his proclamation warrants were issued by the trial Court. However, due to medical emergency and registration of another false case, the petitioner could not appear before the trial Court on 23.08.2024 and 20.11.2024. He further contends that the petitioner is ready to surrender before the trial Court and shall appear on each and every date of hearing during the trial.

3. Notice of motion.

4. Mr. I.P.S. Sabharwal, DAG, Punjab, accepts notice on behalf of the 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 orders dated 15.04.2024, 23.08.2024 and 20.11.2024 (Annexure P-4 to P-6), passed by the Court below 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. It is not in dispute that that the petitioner was on bail earlier and was regularly appearing before the Trial Court, however, on 15.04.2024, he could not appear before the Trial Court due to medical emergency and registration of another false case against him. Thus, taking a lenient view of the matter, the petitioner is permitted to surrender before the Trial 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 Trial 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.

09.12.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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