



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

**CRM-M-60929-2024
DECIDED ON: 04.12.2024**

YASHIKA BANSAL AND ANR

.....PETITIONERS

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. I.S. Kooner, Advocate for the petitioners.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 528 of B.N.S.S., 2023 seeking quashing of impugned order dated 08.08.2024 (Annexure P-3) in case trial bearing No. CHI/144/2021 arising out FIR No. 165 dated 29.06.2021 under Sections 406, 420 and 120-B of IPC, 1860 registered at P.S. Kotwali, District Nabha, vide which bail bonds and surety bonds of the petitioners, so furnished in compliance of order dated 14.07.2021 Annexure P-1 passed by Id. Additional Sessions Judge, Patiala, were ordered to be cancelled and non-bailable warrants were issued qua the petitioners and for quashing of impugned order dated 06.09.2024 (Annexure P-4) vide which fresh Non Bailable Warrant were issued and for quashing of Impugned Order dated 01.10.2024 Annexure P-5 vide which proclamation proceedings of the petitioners have been initiated, qua the petitioners.

2. Learned counsel for the petitioners submits that it is the only isolated date i.e. 08.08.2024, on which the petitioners could not appear before the trial Court though they have been consistently appearing before it

in furtherance of trial and are not at all intending to evade the process of law. He further contends that the said absence has taken place on account of wrong date noted by the petitioners. Due to their absence on 08.08.2024, their bail stand cancelled and bail/surety bonds were forfeited to the State and they were summoned through non-bailable warrants for 06.09.2024. Thereafter on 06.09.2024, the non-bailable warrants issued against the petitioners stand unserved and fresh non-bailable warrants were issued against them for 01.10.2024. On 01.10.2024, non-bailable warrants issued against petitioners No.1 & 2 were received back served through mother-in-law of petitioner No.1 and mother of petitioner No.2 but none of them had appeared in Court and their proclamation was issued for 05.12.2024.

3. He undertakes that the petitioners will surrender before the trial Court and shall join the trial proceedings without any delay or default in future.

4. Notice of motion.

5. On the asking of the Court, Mr. Jaspal Singh Guru, AAG, Punjab accepts notice on behalf of the respondent-State, who is not averse to the undertaking given by the petitioners that they will surrender before the trial Court.

6. In view of the above, the petitioners are directed to surrender before the trial Court by tomorrow i.e. 05.12.2024, the date already fixed before the trial Court.

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

8. However, it is made clear that in case the petitioners 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.
9. There is no denial to the fact that due to petitioners act, delay has occurred in trial proceedings and has caused prejudice to the other side and to compensate the delay which is caused by the petitioners alone, they are directed to deposit costs of Rs.20,000/- with the PGI Poor Patient Welfare Fund ‘Online Portal’ and a receipt of the same be produced before the trial Court and only in that eventuality, application of the petitioners for seeking bail be considered and decided on the same day.
10. The instant petition is disposed of in the aforesaid terms.

04.12.2024

Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No