

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-62294-2024
Date of Decision:11.12.2024

Baljinder Singh and Anr. ...Petitioners

vs.

State of Punjab ...Respondent

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

Present : Mr. Naresh Kumar Jandoli, Advocate
for the petitioner.

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

N.S.Shekhawat J. (Oral)

1. The petitioners have filed the present petition under Section 528 of B.N.S.S with a prayer to quash the impugned order dated 03.12.2024 (Annexure P-4) passed by the Court of Additional Sessions Judge, Hoshiarpur, whereby the bail of the petitioners was cancelled and the bail bonds and surety bonds were ordered to be forfeited to the State and the petitioners were ordered to be summoned through non-bailable warrants of arrest.
2. Learned counsel for the petitioners contend that the petitioners were falsely implicated in the present case and thereafter, they were ordered to be released on bail on 20.07.2022. Learned counsel further contends that the petitioners were regularly appearing before the Trial Court and never misused the concession of bail, however, they could not appear before the Trial Court on 03.12.2024, as they were out of station to attend the cremation of close relative. Due to non-appearance of the petitioners, the Trial Court had cancelled the bail

and the bail bonds and surety bonds were ordered to be forfeited to the State and the petitioners were ordered to be summoned through non-bailable warrants of arrest. Learned counsel for the petitioners next contend that the petitioners are ready to surrender before the Court and shall join the trial proceedings. He further contends that the petitioners shall appear on each and every date of hearing, before the Trial Court and shall not absent themselves 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 petitioners on the ground that the petitioners have not appeared intentionally before the Trial Court and there is no illegality in the impugned order dated 03.12.2024 passed by the Court below and the petitioners 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 petitioners were on bail earlier and were regularly appearing before the Trial Court, however, on one date i.e. 03.12.2024, they could not appear before the Trial Court, as they were out of station to attend the cremation of close relative. Thus, taking a lenient view of the matter, the petitioners are permitted to surrender before the Trial Court/Duty Magistrate within a period of two weeks from today and on their surrender, they 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 petitioners shall also file an affidavit before the concerned Court that they shall continue to appear before the Court on each and every date of hearing and shall not absent themselves 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.

11.12.2024
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(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No