



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

124

**CRM-M-333-2025
DATE OF DECISION: 10.01.2025**

KULWINDER SINGH ALIAS BAU ...PETITIONER

Versus

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Aditya Anand, Advocate for the petitioner(s).

Mr. B.S.Virk, Sr. DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 528 of Bhartiya Nagarik Suraksha Sanhita, 2023 for quashing of the impugned orders dated 18.09.2024 and 11.11.2024 (Annexure P-12 and P-13) passed by Additional Sessions Judge, Hisar, in case bearing No. SC-591-2022 arising out of FIR No.694 dated 20.11.2018 under Sections 420, 406, 370, 384, 120-B, 506 and 34 of IPC, 1860 and Section 24 of Emigration Act, 1983, P.S-Civil Lines, District-Hisar, whereby the bail of the petitioner was cancelled and he was summoned through non-bailable warrants of arrest.

Learned counsel for the petitioner submits the petitioner could not appear in Court since the wife of the petitioner passed away on 13.09.2022 and since then he is taking care of his 82 years old mother who suffers from various age related ailment but due to non-appearance of the petitioner, the Trial Court cancelled the bail of the petitioner and



issued non-bailable warrants of arrest. He submits that the petitioner did not had any intention to avoid attendance in the Court proceedings but due to unavoidable circumstance, he could not appear 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. He further submits that he volunteers to compensate for the delay caused by him in trial proceedings.

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.20,000/- 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 preferably on the same day in accordance with law.

The instant petition is disposed of in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

10.01.2025

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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>