



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

CRM-M-944-2025

Date of decision: 14.01.2025

Amarjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Ravi Malhotra, Advocate for the petitioner.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 528 of BNSS seeking quashing of order dated 05.10.2024 Annexure P-5 passed by the Court of Additional Chief Judicial Magistrate whereby the bail bonds of the petitioner were cancelled and he was directed to be summoned through nonailable warrants of arrest in criminal case having FIR No. 38 dated 27.05.2021 under Sections 420 and 406 of IPC and Section 24 of Immigration Act, registered at Police Station Morinda.

2. Counsel for the petitioner inter alia submits that after the registration of aforesaid criminal case, the petitioner was granted anticipatory bail by the co-ordinate Bench of this Court vide order dated 25.01.2022 Annexure P-2 and thereafter, the petitioner was regularly appearing before the trial Court. That on 17.07.2024, an application moved by the petitioner seeking exemption from his personal appearance was allowed and trial was adjourned to 06.09.2024. However, as the petitioner noted down wrong date, he was unable to appear on 06.09.2024 and further on 05.10.2024, when the trial Court passed the impugned order Annexure P-5. Counsel for the petitioner further submits that the presence of the petitioner on the aforesaid dates was not necessary, as no prosecution witness was present on the said dates. It is further submitted that the petitioner is ready



and willing to join the proceedings in the trial Court at the earliest.

3. Notice of motion.

4. Mr. J.S. Dhaliwal, AAG, Punjab, accepts notice on behalf of the State and on instructions from ASI Avtar Singh submits that on 17.07.2024, the exemption application moved on behalf of the petitioner was allowed by the trial Court and the trial was adjourned to 06.9.2024 for prosecution evidence. That however, even on 06.09.2024, the petitioner failed to appear without any intimation to trial Court and the Court concerned taking lenient view issuedailable warrants to procure the presence of the petitioner for 05.10.2024. That even on 05.10.2024, the petitioner failed to appear before the trial Court and resultantly, order Annexure P-5 was passed by the said Court in accordance with law and there is no infirmity in the said order.

5. The petitioner as himself come forward showing his willingness to join the proceedings before the trial Court at the earliest in order to avoid further delay in trial.

6. In the given circumstances, the present petition is disposed of in the interest of justice and in order to avoid any further delay in trial and the petitioner is hereby directed to join proceedings before the trial Court within next 10 days and on his doing so, the petitioner is to be released on regular bail by the Court concerned to its own satisfaction, subject to cost of Rs.7,000/- to be deposited by the petitioner with the District Legal Services Authority concerned.

7. Needless to say that petitioner should remain careful in future and shall appear before the trial Court on each and every date fixed in the trial.

14.01.2025

Yogesh

**(KARAMJIT SINGH)
JUDGE**

**Whether speaking/reasoned:-
Whether reportable:-**

**Yes/No
Yes/No**