



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

129

CRM-M-580-2025

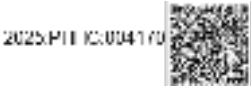
*Date of decision: 14.01.2025***Karam Chand***.....Petitioner**Versus***State of Punjab***.....Respondent***CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Sandeep Kumar, Advocate for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 528 of BNSS 2023 for quashing of order dated 02.12.2024 (Annexure P-3) passed by learned Sessions Judge, Kapurthala in FIR No.233 dated 27.07.2021 under Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957 and Section 379 IPC registered at P.S City Kapurthala, District Kapurthala whereby bail bonds and surety bonds of the petitioner have been cancelled and forfeited to the State.

Learned counsel for the petitioner submits the petitioner could not appear in Court on one date i.e. 02.12.2004 as he met with an accident and his spine was stretched in the accident and on the date fixed, he had gone for taking local Physiotherapy. 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 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.



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 instant petition is disposed of in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

14.01.2025
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- 1. Whether speaking/ reasoned : Yes /No
- 2. Whether reportable : Yes /No