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

CRM-M-2557-2025

Date of decision : 18.01.2025

Mohd. Faiz**.....Petitioner****versus****State of Union Territory, Chandigarh****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Puneet Pali, Advocate, for
Mr. Mohd. Salim, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for quashing of order dated 28.10.2024 passed by Ld. Additional Sessions Judge, Chandigarh, in case FIR No.85 dated 23.05.2022, under Section 379-B, 411 read with Section 34 IPC, registered at Police Station South Sector-34, Chandigarh, whereby learned trial Court issued non-bailable warrants against the petitioner, being illegal, arbitrary and without adopting proper procedure of law. Further prayer has been made for staying the operation of the impugned order dated 28.10.2024.

2. It has been contended by counsel for the petitioner that in the above said case, the petitioner was regularly appearing before the trial Court. However, petitioner noted the wrong date of hearing and because of this reason, he remained absent from the Court on 28.10.2024 and his bail order was cancelled and non-bailable warrants were issued against him. He submits that the petitioner has no criminal antecedents and he is



ready to join the proceedings and abide by the terms and conditions of bail, imposed by the Court.

3. Notice of motion.

4. On asking of the Court, Mr. Abhiraj Toor, Advocate for Mr. J.S. Toor, A.P.P., U.T. chandigarh, accepts notice on behalf of the respondent-State.

5. Learned State counsel has opposed the submissions made by learned counsel for the petitioner and has stated that the trial Court has rightly cancelled the bail granted of the petitioner who remained absent on 28.10.2024 without any valid reason.

6. After hearing counsel for the parties and perusing the record, it is apparent that the petitioner remained absent on 28.10.2024 and his bail was cancelled and bail bonds were forfeited to the State and non-bailable warrants were issued against him. The reason for his absence was given that he noted down the wrong date of hearing. The petitioner is keen to join the proceedings. So keeping in view the abovesaid facts, the present petition is disposed of and the order dated 28.10.2024 is *set aside* subject to payment of Rs.10,000/- as costs to be deposited in the Poor Patients' Welfare Fund, PGIMER, Chandigarh by the petitioner in one week from today. In case, the petitioner appears before the Court concerned within a period of 10 days from today and files an application for bail alongwith receipt of abovesaid costs, the Court concerned is directed to admit him to bail subject to its satisfaction and proceed with the trial in accordance with law. He will have protection from arrest for a period of 10 days from today.

7. Needless to say that in case the petitioner fails to comply with the abovesaid direction, he will have no benefit of abovesaid protection



granted by this Court and order under challenge dated 28.10.2024 would automatically come in force.

18.01.2025
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(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No