

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

136

CRM-M-2044-2025

Date of decision: 16.01.2025

Krishan Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Vishavjeet Singh Rishi, Advocate and
Ms. Divya Sharma, Advocate for the petitioner.
Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 528 of BNSS 2023 for quashing of order dated 27.08.2024 Annexure P-3 passed by learned Addl. Sessions Judge, SAS Nagar in case NDPS/140/2023 titled as State vs. Lovepreet Singh etc whereby bail of the petitioner has been cancelled and forfeited to the State and his arrest warrant have been issued.

Learned counsel for the petitioner submits the petitioner could not appear in Court on one date i.e. 27.08.2024 as he had wrongly noted down the date of as 28.08.2024 instead of 27.08.2024 therefore, 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 aforesaid order/concession to the petitioner shall be subject to payment of costs of Rs.10,000/- to be deposited in the Chandi Kusht Ashram 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 on the same day in accordance with law.

The instant petition is disposed of in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

16.01.2025
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|-------------------------------|---|---------|
| 1. Whether speaking/ reasoned | : | Yes /No |
| 2. Whether reportable | : | Yes /No |