



CRM-M-3065-2025

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

CRM-M-3065-2025

Date of Decision: 06.02.2025

Jashandeep Singh @ Mota and another

..... Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Pranjal P Chaudhary, Advocate and
Mr. Ankit Saini, Advocates, for the petitioners.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for quashing of the order dated 06.11.2024 (Annexure P-6) passed by learned Sessions Judge, Moga, vide which bail granted to the petitioners has been cancelled and impugned order dated 07.01.2025, passed by learned Sessions Judge, Moga, vide which the petitioners have been declared as proclaimed persons during the course of trial in FIR No.86, dated 17.05.2023, under Sections 341, 324, 148, 149 IPC (Section 326 IPC added lateron), registered at Police Station Baghapurana, District Moga.

2. It has been contended by learned counsel for the petitioners that the petitioners have been falsely implicated in the present case. He has submitted that the petitioners were granted concession of regular bail by learned trial Court vide orders dated 27.07.2023 and 28.11.2023, respectively and thereafter, they were duly appearing before it. It is submitted that due to noting down of wrong date, the petitioners could not appear before the Court on 06.11.2024, due to which their bail was cancelled and their bail/surety bonds were forfeited to the State and they were ordered to be summoned through non-bailable warrants and thereafter,

on 07.01.2025, they were declared as proclaimed persons. He submits that



now petitioners are keen to join the proceedings and face the trial in the above said case and as such the orders 06.11.2024 and 07.01.2025 be set aside and they be allowed to be released during the pendency of the trial of the above said case.

3. Notice of motion.

4. Mr. Tarun Aggarwal, Sr. DAG, Punjab accepts notice on behalf of the State. He has placed on record the reply by way of affidavit of Dalbir Singh, PPS, Deputy Superintendent of Police, Sub Division Baghapurana, District Moga and has submitted that the petitioners are habitual offenders as petitioner No.1 is involved in three other cases and petitioner No.2 is involved in one more case. He further submits that the petitioners have rightly been declared as proclaimed persons by the trial Court as they remained absent from Court for a long time.

5. After hearing learned counsel for the parties and perusing the record, it is evident that due to non-appearance of the petitioners, their bail was cancelled and their bail/surety bonds were forfeited to the State on 06.11.2024 and thereafter, they were declared as proclaimed persons on 07.01.2025. The reason given by the petitioners for their absence was noting down of wrong date, due to which they could not appear before the trial Court. This Court without going into the authenticity of the ground taken by the petitioners for their absence, deems it appropriate to allow them to appear before the trial Court and face the trial. In these circumstances, when the petitioners are ready to join the proceedings and face the trial, no useful purpose would be served by sending them behind the bars merely because of their absence rather they should be directed to face the trial in the main



case. Therefore, the orders dated 06.11.2024 and 07.01.2025 are set aside subject to payment of Rs.20,000/- as costs to be paid by each of the petitioners to Society for the Care of Blind, Sector-26, Chandigarh and Day Care Centre for Elderly Disabled in home for Old & Destitute People, Sector-15, Chandigarh, within a period of seven days from today. (Petitioner No.1 will pay costs of Rs.20,000/- to Society for the Care of Blind, Sector-26, Chandigarh and petitioner No.2 will pay to the Day Care Centre for Elderly Disabled in home for Old & Destitute People, Sector-15, Chandigarh)

6. The petitioners are directed to appear before the trial Court within a period of ten days from today and file an appropriate application alongwith receipt of costs of Rs.40,000/- and the trial Court would grant them bail till the disposal of the case on their furnishing bail/surety bonds subject to its satisfaction. The petitioners will have protection from arrest for a period of ten days from today. The trial Court is free to impose any condition it likes on the petitioners while admitting them to bail.

7. Needless to say that in case the petitioners fail to comply with the abovesaid direction, this order would be of no avail to them and the orders dated 06.11.2024 and 07.01.2025 will come in force and the present petition shall be deemed to have been dismissed.

8. Petition stands disposed of in abovesaid terms.

06.02.2025
sharmila

(RAJESH BHARDWAJ)
JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No