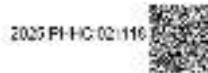


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CRM-M-4299-2025

-1-



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-4299-2025

Date of decision: 13.02.2025

RAJESH KUMAR @ KAKA

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Surinder Singh, Advocate
for the petitioner.

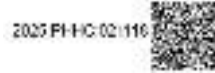
Mr. Ankit Grewal, DAG Punjab.

.....

SANJIV BERRY, J. (ORAL)

The instant petition under Section 528 BNSS, 2023 has been moved by the petitioner seeking quashing of the order dated 11.10.2023 (Annexure P-7) and subsequent orders dated 06.12.2023, 09.02.2024, 06.04.2024, 06.07.2024 and 21.12.2024 (Annexures P-8 to P-12) passed by learned Additional Sessions Judge, Gurdaspur vide which the bail bonds furnished by the petitioner were cancelled and non-bailable warrants of arrest of the petitioner were issued.

2. Learned counsel for the petitioner *inter alia* contends that in compliance of the order dated 27.01.2025, petitioner appeared before the learned trial Court on 04.02.2025 and furnished requisite bail bonds, surety bonds and placed on record copy of order dated 04.02.2025 passed by learned Additional Sessions Judge, Gurdaspur. He contends that since the petitioner has joined the trial Court proceedings, as such the order dated 11.10.2023 (Annexure P-7) and subsequent orders dated 06.12.2023, 09.02.2024, 06.04.2024, 06.07.2024 and 21.12.2024 (Annexures P-8 to P-12) passed by



learned Additional Sessions Judge, Gurdaspur vide which the bail bonds furnished by the petitioner were cancelled and non-bailable warrants of arrest of the petitioner were issued, be quashed.

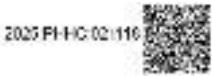
3. Learned State counsel has not disputed the aforesaid factual matrix of the case and submits that petitioner appeared on 04.02.2025 before the learned trial Court and furnished requisite bail bonds.

4. Heard.

5. During the course of the proceedings, following order was passed on 27.01.2025:-

“ The petition under Section 528 of BNSS, 2023, has been preferred by the petitioner for quashing of the impugned order dated 11.10.2023 (Annexure P-7) and subsequent orders dated 06.12.2023, 09.02.2024, 06.04.2024, 06.07, 2024 and 21.12.2024 (Annexure P-8 to P-12) passed by the learned Additional Sessions Judge, Gurdaspur, vide which the bail bonds furnished by the petitioner have been cancelled and non-bailable warrants of arrest of the petitioner have been issued.

2. It is, inter alia, contended by learned counsel for the petitioner that the petitioner, after being convicted in the Rapat No.22 dated 03.10.2011 in FIR No.173, dated 03.10.2011 registered under Sections 307, 324, 323, 148, 149 of IPC at P.S. City, Gurdaspur, by the Principal Magistrate, Juvenile Justice Board, at Gurdaspur, vide order dated 01.11.2019, (Annexure P-1), had preferred an appeal vide Annexure P-2 in the Court of learned Sessions Court, wherein vide order dated 20.11.2019 Annexure P-3, the appeal was admitted. Subsequently, the petitioner had been appearing before the learned trial Court as is evident from the order dated 25.05.2022 (Annexure P-6). Later, on account of having wrongly noted the date and having lost the track of the case, the petitioner absented from the proceedings leading to passing of the impugned order dated 11.10.2023 (Annexure P-7) cancelling his bail and issuing non-bailable warrants of arrest. He submits that the case is now fixed for 17.02.2025, as per the order (Annexure P-12), for the service of the petitioner, through nonbailable warrants of arrest. Learned counsel for the petitioner submits that the absence of the petitioner was not intentional and he is ready to appear to face the trial. Hence, the present petition.



- 3. *Notice of motion.*
- 4. *On the asking of the Court, Mr. Rajinder Singh Bhatta, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondent State and has not disputed the factual matrix of the case.*
- 5. *Keeping in view the above submissions and perusing the record, without commenting on the merits at this stage, the petitioner is directed to appear before the learned trial Court/Judge on duty within 10 days from today and in the event of his arrest, he is ordered to be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the concerned trial Court/Judge on duty.*
- 6. *The petitioner is further directed to furnish specific undertaking before the concerned Court that he will regularly appear on each and every date of hearing and in case of any exigency, he will seek exemption from the Court in accordance with law.*
- 7. *List on 13.02.2025.”*

6. Keeping in view the fact that the petitioner has already appeared on 04.02.2025 before the learned trial Court and furnished requisite bail/surety bonds consequent to the order dated 27.01.2025, passed by this Court, the present petition is allowed and the order dated 11.10.2023 (Annexure P-7) and subsequent orders dated 06.12.2023, 09.02.2024, 06.04.2024, 06.07.2024 and 21.12.2024 (Annexures P-8 to P-12) passed by learned Additional Sessions Judge, Gurdaspur vide which the bail bonds furnished by the petitioner were cancelled and non-bailable warrants of arrest of the petitioner were issued are hereby set aside and the interim bail granted vide order dated 27.01.2025 is hereby confirmed.

7. The petition stands disposed of.

(SANJIV BERRY)
JUDGE

13.02.2025
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|-----|----------------------------|--------|
| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |