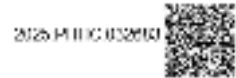


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CRM-M-5087-2025

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-5087-2025

Date of decision: 07.03.2025

PAWAN KUMAR ALIAS MATTAR

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. J.S. Thakur, Advocate
for the petitioner.

Mr. Iqbalpreet Singh, AAG Punjab.

.....

SANJIV BERRY, J. (ORAL)

The instant petition under Section 528 BNSS has been moved by the petitioner seeking quashing of the order dated 05.04.2024 (Annexure P-3) passed by learned Additional District and Sessions Judge-VIII, Jalandhar registered vide CRA-396 in case FIR No.156 dated 07.11.2019 registered under Sections 419, 420, 467, 468, 471 and 120-B IPC P.S. Navi Baradari, District Jalandhar Commissionerate, whereby bail bonds of the petitioner were cancelled and non-bailable warrants of arrest were issued.

2. Learned counsel for the petitioner *inter alia* contends that in compliance of the order dated 20.02.2025, petitioner appeared before the learned trial Court on 28.02.2025 and furnished requisite bail bonds, surety



bonds and also deposited the costs as imposed by this Court and placed on record copy of order dated 28.02.2025 passed by learned Additional Sessions Judge, Jalandhar. He contends that since the petitioner has joined the trial Court proceedings, as such the order dated 05.04.2024 (Annexure P-3) passed by learned Additional District and Sessions Judge-VIII, Jalandhar, whereby bail bonds of the petitioner were cancelled and non-bailable warrants of arrest were issued, be quashed.

3. Learned State counsel has not disputed the aforesaid factual matrix of the case and submits that petitioners appeared on 28.02.2025 before the learned trial Court and furnished requisite bail bonds.

4. Heard.

5. During the course of the proceedings, following order was passed on 20.02.2025:-

“ By way of present petition filed under Section 528 of the Bhartiya Nagarik Suraksha Sanhita 2023 (BNSS), the petitioner seeks quashing of the order dated 05.04.2024 (Annexure P-3) passed by learned Additional District and Sessions Judge-VIII, registered vide CRA-396 in case FIR (Annexure P-2) as mentioned below:

<i>FIR No.</i>	<i>Dated</i>	<i>Sections</i>	<i>Police Station</i>
<i>156</i>	<i>07.11.2019</i>	<i>419, 420, 467, 468, 471 and 120-B IPC</i>	<i>Navi Baradari, District Jalandhar Commissionerate</i>

2. Heard.

3. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner after having been convicted in case FIR (*supra*), had preferred the appeal, i.e. CIS No. CRA-396-2023, ‘Pawan Kumar @ Mattar @ Majot Matto vs. State of Punjab etc’, which is pending before the Additional District and Sessions Judge, Jalandhar. He contends that the petitioner



could not appear in the concerned Court on 05.04.2024 due to certain unavoidable circumstances, leading the learned Trial Court passing the impugned order (supra), canceling the bail and issuing the non bailable warrants of arrest.

4. Learned counsel for the petitioner further contends that the petitioner had approached this Court vide CRM-M-27490-2024, Pawan Kumar @ Mattar vs. State of Punjab, wherein vide order dated 28.05.2024, he was ordered to appear before the learned Trial Court (Annexure P-1) but he petitioner could not arrange surety due to which the petition was dismissed later on. He contends that now the matter is pending for 04.04.2025 for the presence of the petitioner and the petitioner has also arranged the sureties and, as such, ready to appear before the learned Trial Court. He further contends that now the petitioner is ready to pay any cost and undertakes to regularly appear before the learned Trial Court on each and every date of hearing without fail.

5. Notice of motion, returnable for 07.03.2025

6. On the asking of the Court, Mr. Rajinder Singh Bhatta, DAG, Punjab, who is present in Court, accepts notice and does not dispute the factual matrix of the case.

7. Keeping in view the above facts and circumstances, the petitioner is directed to appear before the learned Trial Court/Judge on duty/Duty Magistrate within a period of 10 days from today and in that event, learned Trial Court/Judge on duty/Duty Magistrate will admit the petitioner on interim bail subject to its satisfaction on his furnishing requisite bail/surety bonds. The petitioner is also burdened to pay a cost of Rs. 15,000/- in the District Legal Services Authority, Jalandhar, as a condition precedent for grant of interim bail.

8. The petitioner shall also furnish a specific undertaking before the learned Trial Court/Judge on duty that, in future, he would be regularly appearing before the concerned Court on each and every date and in case of some exigency, he will seek prior permission of the concerned Court qua his exemption to appear on the date fixed.”

6. Keeping in view the fact that the petitioner has already appeared on 28.02.2025 before the learned trial Court and furnished requisite bail/surety bonds consequent to the order dated 20.02.2025,



passed by this Court, the present petition is allowed and order dated 05.04.2024 (Annexure P-3), passed by learned Additional Sessions Judge-VIII, Jalandhar, bail bonds of the petitioner were cancelled and non-bailable warrants of arrest were issued is hereby set aside and the interim bail granted vide order dated 20.02.2025 is hereby confirmed.

7. The petition stands disposed of.

07.03.2025
puneet

(SANJIV BERRY)
JUDGE

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