



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

124

**CRM-M-5413-2025
Decided on : 31.01.2025**

Daler Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Shivender Pal, Advocate for
Mr. B.S. Bhalla, Advocate
for the petitioner.

SANJAY VASHISTH, J. (Oral)

1. By way of present petition filed under Section 528 of BNSS, 2023, petitioner is seeking setting aside of order dated 11.12.2024 (Annexure P-1), whereby, bail granted to the petitioner in case FIR No. 344, dated 23.09.2018, under Sections 379 B and 34 IPC, registered at Police Station Civil Lines, District Amritsar, has been cancelled for his non-appearance before the Trial Court and non-bailable warrants of arrest have been issued qua him.

2. While referring to the impugned order dated 11.12.2024 (P-1), learned counsel for the petitioner submits that on account of noticing of wrong date of hearing, petitioner could not appear before the learned Trial Court on 04.11.2024 as also on 11.12.2024 and therefore bail of the petitioner-Daler Singh and his co-accused-Kanwar Pal Singh was cancelled. Thereafter, on 11.12.2024, non-bailable warrants were also issued.

3. At the very outset, learned counsel for the petitioner submits that by making a similar prayer co-accused namely; Kanwar Pal Singh has approached this Court by filing petition i.e. CRM-M-501-2025, which was disposed of by the co-ordinate Bench of this Court, vide order dated 13.01.2025

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(P-2), wherein the impugned order dated 11.12.2024 has already been set aside qua him only. Thus, prays for grant of similar relief.

4. Learned counsel further submits that the non-appearance of the petitioner before learned Trial Court was neither intentional nor a deliberate act, rather it was due to the reason explained and noticed hereinabove.

5. He further contends that, if one more opportunity is afforded to the petitioner to appear by grating some protection from arrest, subject to the payment of some cost amount also, he undertakes that in all the future proceedings of the present case, he would never be absent from the Court, except by obtaining prior permission from the Court, and thus will fully cooperate in the Court proceedings for early completion of trial.

6. Notice of motion.

7. On asking of the Court, Mr. Amandeep Singh, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondent-State.

A copy of the complete paper book has been supplied to him by learned counsel for the petitioner.

8. Learned State counsel opposes the request of the petitioner, and submits that petitioner has willfully remained absent from the proceedings of learned Trial Court and thus, does not deserve any sympathy. Therefore, petitioner should be directed to surrender before the Court and to face trial.

9. I have heard learned counsel for the parties and perused the relevant material on record. It is evident that petitioner was regularly attending the proceedings before the learned Trial Court, and by way of present petition, he is seeking one chance to join the proceedings before the learned Trial Court, even on payment of some cost amount and by abiding to the terms and conditions.

10. This Court is also of the view that paramount consideration of the

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Court is to secure presence of accused on each and every date for speeding up the trial for its final conclusion. Already Courts are flooded with so much litigations, resulting in slow pace of work, because of more than one reason. The required energy and manpower be used for expediting the proceedings of the Court, instead of running after the accused persons to get hold of them.

11. Therefore, in the totality of circumstances and placing reliance upon the order passed by this Court in the case of **'Hardeep Kumar Saini @ Bhola Vs. State of Punjab'** (CRM-M-737-2025, decided on 10.01.2025), I am of the opinion that by granting the petitioner an opportunity to appear before the trial Court, would serve the ends of justice. This approach would also save considerable time, effort, and resources in ensuring the petitioner's presence.

12. In view of the above, present petition is allowed and impugned order dated 11.12.2024 (P-1) passed by learned Additional Sessions Judge, Amritsar is hereby set aside. It is directed that if, petitioner appears on his own before the learned trial Court on or before 14.02.2025, he would be released on bail subject to his furnishing fresh bail bonds/surety bonds to the satisfaction of the trial Court. Besides, petitioner would also submit specific undertaking/affidavit that he will keep appearing during the proceedings of the trial in future and the proceedings would not be delayed because of his conduct.

It is clarified that the trial/concerned Court shall be at liberty to impose such other condition(s) upon the petitioner, as deemed appropriate by it in the facts and circumstances of the case

However, the said concession will be subject to the payment of Rs. 10,000/- as costs, to be deposited with the **Guru Ram Dass Old Age Home, Akash Vihar, Canal Link Road, Sultanwind, Amritsar, in its bank account detailed as under:**

AU Small Finance Bank, Branch Ranjiv Avenue;



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IFSC Code: AUBL0002608;

Account Holder Name: Vishvkarma Welfare Trust.

(Regd);

Account No:2301260850775759;

13. It is made clear that the concession of bail would be available to the petitioner only upon furnishing of valid proof of payment of cost amount of Rs.10,000/-, in the aforesaid manner, failing which the present order would be considered as inoperative.

14. Needless to mention here that on compliance of all the conditions mentioned here-in-above, impugned order dated 11.12.2024 (Annexure P-1) and the subsequent orders would become inoperative *qua* the petitioner.

15. **Present petition stands disposed of accordingly.**

(SANJAY VASHISTH)
JUDGE

January 31, 2025

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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No