



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

121

CRM-M-5064-2025

Mohit Hans @ Abhi

... Petitioner

Versus

State of Punjab

... Respondent

CRM-M-5134-2025

Chetan Gill

... Petitioner

Versus

State of Punjab

... Respondent

Decided on : 31.01.2025

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Vikram Satpal Anand, Advocate
for the petitioner(s).

SANJAY VASHISTH, J. (Oral)

1. By way of this common order, aforementioned petitions are being decided together as same have arisen from one common FIR.

2. By way of present petitions filed under Section 528 of BNSS, 2023, petitioners are seeking quashing/setting aside of order dated 11.12.2024, whereby, bail granted to the petitioners in case FIR No. 196, dated 13.11.2020, under Sections 307, 323, 324, 148, 149 IPC(Section 201 IPC was added later on), registered at Police Station Cantt. Jalandhar, District Police Commissionerate, Jalandhar has been cancelled for their non-appearance before the Trial Court and non-bailable warrants of arrest have been issued qua them.

3. Learned counsel for the petitioners submits that since the time of registration of FIR, the petitioners have been appearing before the trial Court.

However on 11.12.2024, they could not appear and on that count the bail bonds



CRM-M-5064-2025 and CRM-M-5134-2025

- 2 -

and surety bonds were forfeited to the State by cancelling their bail. Counsel further submits that notice under Section 446 Cr.P.C against surety of the petitioners have also been issued. Counsel also submits that petitioners are not habitual in absenting themselves before the Court proceedings and that aspect is clear from the fact that FIR was registered in the year 2020 and only once i.e. on 11.12.2024, they were absent and thus, faced the consequence of cancellation of bail.

4. Learned counsel further submits that the non-appearance of the petitioners before learned Trial Court was neither intentional nor a deliberate act, if one more opportunity is afforded to the petitioners to appear by grating some protection from arrest, subject to the payment of some cost amount also, they undertakes that in all the future proceedings of the present case, they 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.

5. Notice of motion.

6. 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.

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

8. I have heard learned counsel for the parties and perused the relevant material on record. It is evident that petitioners were regularly



CRM-M-5064-2025 and CRM-M-5134-2025

- 3 -

attending the proceedings before the learned Trial Court, and by way of present petitions, they are 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.

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

10. 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.

11. In view of the above, present petition is allowed and impugned order dated 11.12.2024 passed by learned Additional Sessions Judge, Jalandhar is hereby set aside. It is directed that if, petitioners appear on their own before the learned trial Court on or before 14.02.2025, they would be released on bail subject to their furnishing fresh bail bonds/surety bonds to the satisfaction of the trial Court. Besides, petitioners would also submit specific undertaking/affidavit that they 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 petitioners, as deemed appropriate by it



CRM-M-5064-2025 and CRM-M-5134-2025

- 4 -

in the facts and circumstances of the case

However, the said concession will be subject to the payment of cost amount of Rs10,000/-each, to be deposited with the **Red Cross Senior Citizen Home, G.T. Road Near Sabzi Mandi, Jalandhar; PAN No. AAKAR8089H** in its bank account detailed as under:

I) HDFC Bank, Account No.50100729113209, IFSC Code:HDFC0000340; Branch- Model Town, Jalandhar.

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

13. Needless to mention here that on compliance of all the conditions mentioned here-in-above, impugned order dated 11.12.2024 and the subsequent orders would become inoperative *qua* the petitioners.

14. **Present petitions stand disposed of accordingly.**

15. A photocopy of this order be placed on the file of another connected case.

**(SANJAY VASHISTH)
JUDGE**

January 31, 2025

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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No