



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

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**CRM-M-5041-2025
Decided on : 29.01.2025**

Balraj Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Surinder Sharma, Advocate
for the petitioner(s).

SANJAY VASHISTH, J. (Oral)

1. By way of present petition filed under Section 528 BNSS, petitioner is seeking quashing of order dated 20.11.2024 (Annexure P-2), whereby, bail granted to the petitioner is cancelled and non-bailable warrants of arrest has been issued on account of non-appearance on 20.11.2024 before the Court, in case FIR No. 0054, dated 08.06.2023, under Sections 341, 323, 34 of IPC, registered at Police Station Bhogpur, District Jalandhar Rural.

2. Learned counsel for the petitioner submits that petitioner is facing proceedings in the aforementioned case from the date of its registration i.e. 08.06.2023, and in past as and when his presence was required either by the Investigating Officer or even by the Court, he always remained present. The offences are triable by the Magistrate and are bailable also.

3. Learned counsel further submits that for visiting abroad, petitioner had moved an application and thereupon, the permission was granted by the trial Court to go abroad for a period of six months vide its order dated 06.05.2024. Further submits that when the proceedings before

the trial Court were fixed for 20.11.2024, due to some unavoidable circumstances, petitioner could not reached back to India and on that account, he could not join the Court proceedings. Resultantly, on account of his absence, bail was cancelled by the trial Court and non-bailable warrants were issued against the petitioner.

4. Learned counsel also submits that when petitioner came back to India on 24.11.2024, he assailed the order dated 20.11.2024, before the Court of learned Addl. Sessions Judge-IV, Jalandhar, but the same was dismissed vide order dated 07.01.2025, by observing therein that petitioner has neither complied with certain conditions, as put-forth by the learned trial Court while granting him permission to go abroad, nor he appeared on 20.11.2024, when the proceedings were fixed before the trial Court. Thus, by examining the conduct of the petitioner, request of the petitioner was declined.

This is how the petitioner is before this Court by way of present petition.

5. Learned counsel further contends that, if one opportunity is afforded to the petitioner to appear and then to grant him bail, subject to payment of some cost, he undertakes that in all the future proceedings of the present case, he will never be absent from the Court except on obtaining prior permission of the Court and 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 with certain conditions.

Besides, it is also noticed that the offences are triable by the Magistrate and are bailable in nature.

10. 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.

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 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. Therefore, it is directed that if petitioner on his own appears

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 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.

However, the said opportunity shall be subject to the payment of Rs.20,000/- as costs, to be deposited with the Old Age Home at Jalandhar i.e. **Bawa Sarup Senior Citizen Home, Kapurthalla Chowk, Gulab Devi Hospital Road, Basti Nau, Jalandhar – 144002.**

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.20,000/-, in the aforesaid manner, failing which the present order would become inoperative.

14. Needless to mention here that on compliance of all the conditions mentioned here-in-above, impugned order dated 20.11.2024 (Annexure P-2) and the subsequent orders would become inoperative *qua* the petitioner.

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

(SANJAY VASHISTH)
JUDGE

January 29, 2025

J.Ram

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