

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

126

CRM-M-5251-2025(O&M)
Date of Decision: 30.01.2025

RAJBIR

....Petitioner

VERSUS

STATE OF PUNJAB

....Respondent

CORAM : HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Prateek Rathee, Advocate for the petitioner.

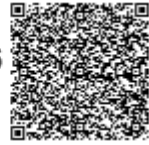
Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

MANISHA BATRA, J. (Oral)

1. The instant petition has been filed by the petitioner for quashing of order dated 21.11.2024 passed by the Court of learned Sub-Divisional Judicial Magistrate, Mukerian in case bearing CIS No.CHI-13-2019 titled as '*State of Punjab Vs Kuldeep Kumar and Others*' arising out of FIR No.17 dated 13.02.2019 under Sections 379-B of IPC registered at Police Station Mukerian District Hoshiarpur, whereby bail of the petitioner had been cancelled and his personal bonds and surety bonds were forfeited to the State as well as subsequent order thereof.

2. The petitioner had been extended benefit of regular bail in this case vide order dated 16.03.2019. He absented himself on 21.11.2024 as a consequence of which his bail was cancelled and personal bonds and surety bonds were forfeited to the State.

3. Learned counsel for the petitioner has submitted that due to some misunderstanding in noting the date of hearing, he could not appear on



21.11.2024. Although he had appeared on 10.01.2025 due to noting wrong date of hearing and only on that date, he came to know about this fact. His absence was not intentional or deliberate. He had moved an application for grant of anticipatory bail which was dismissed by learned Additional Sessions Judge, Hoshiarpur vide order dated 21.01.2025. He is ready to join the proceedings before the learned trial Court and to abide by terms and conditions to be imposed upon him. Therefore, prayer has been made for allowing the present petition.

4. A perusal of records reveals that order dated 21.11.2024 had been passed by learned trial Court on the ground of non-appearance of the petitioner. Now the case is adjourned for 03.02.2024 for ensuring his appearance by way of issuing fresh warrants of arrest.

5. Though, no justification has been made out for setting aside the impugned order dated 21.11.2024 as no illegality seems to have been committed by learned trial Court while passing the same, however, in view of the request made by learned counsel for the petitioner at this stage to grant the petitioner one more opportunity to surrender before the trial Court and further keeping in view the fact that the absence of the petitioner does not attract the consequences of detaining him into custody as he is willing to join the trial and the ultimate aim is to ensure timely disposal of the cases before the learned trial Court, the present petition is disposed of with the direction to the petitioner to surrender before the learned trial Court on or before the date fixed, i.e. **03.02.2024** and it is further ordered that on his surrender and on moving appropriate application, the learned trial Court



admit him to bail subject to his furnishing personal as well as surety bonds to its satisfaction. Learned trial Court may continue with proceeding initiated under Section 446 of Cr.P.C. which is *parimatria* with Section 491 of Bharatiya Nagarik Suraksha Sanhita, 2023. However, this petition shall be deemed to be dismissed if the petitioner does not abide by this order.

5. Petition stands disposed of, accordingly.

30.01.2025
Deepak Patwal

(MANISHA BATRA)
JUDGE

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| 1. | <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| 2. | <i>Whether reportable</i> | <i>Yes/No</i> |