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

CRM-M-7093-2025

DECIDED ON: 10.02.2025

SANDEEP SINGH ALIAS SONI

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Ms. Priyanka Chaudhary, Advocate and
Mr. Pranjal P Chaudhary, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 528 of BNSS, 2023 for quashing of impugned order dated 16.10.2024 (Annexure P-5) passed by the Court below vide which the bail granted to the petitioner has been cancelled and impugned order dated 03.01.2025 (Annexure P-7) vide which the proclamation proceedings have been initiated qua the petitioner in FIR No.77 dated 17.09.2020 under Sections 307, 506, 148, 149 of IPC and Sections 25 & 27 of Arms Act, registered at Police Station Badhni Kalan, District Moga.

Learned counsel for the petitioner submits that the petitioner has been regularly appearing before the trial Court; however, he was unable to appear on a subsequent occasion due to the ill health of his mother-in-law, resulting in the forfeiture of his bail bonds. Non-Bailable Warrants (NBWs) were subsequently issued on 29.08.2024 for 12.09.2024, at which time the petitioner surrendered and furnished fresh bail bonds. The matter was then

listed on 16.10.2024, but due to personal difficulties, the petitioner was unable to appear on the said date, leading to the cancellation of her bail and an order for her to be summoned through non-bailable warrants. Following her continued non-appearance on 03.01.2025, proclamation proceedings under Section 84 of the BNSS (Section 82 Cr.P.C.) were initiated against him.

Learned counsel for the petitioner submits that the absence of the petitioner was neither intentional nor deliberate. She undertakes on behalf of the petitioner that he is ready and willing to surrender before the trial Court and join the trial proceedings.

Be that as it may, without going further into the technicalities and the legality of the order qua fulfillment of essentials as envisaged under Section 84 Cr.P.C., once the petitioner is ready and willing to join the trial proceedings, as has been undertaken before this Court, this Court deem it appropriate to dispose of the petitioner at this stage itself.

The petitioner shall surrender before the trial Court within a period of 7 days from today and in case, he moves an application for regular bail on that day or any other subsequent date, same may be considered and decided in accordance with law preferably on that very day itself.

However, this Court is also sanguine of the fact that due to absence may be on account of the reasons, as has been detailed in the petition and submitted before this Court during the course of hearing, the fact remains that trial has been delayed unnecessarily.

As a penalty for causing delay in the judicial process the petitioner is penalized with a cost of Rs.10,000/-. The cost shall be deposited with the Chandi Kusht Asshram Society, (account No.1445265900) (IFSC Code KKBK0004211), Kotak Mahindra Bank, Sector 46-C Chandigarh.

A copy of receipt qua the deposit of such cost shall be furnished before the trial Court at the time of surrender.

The petition stands disposed off, in the aforesaid terms.

10.02.2025

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(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>