



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

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CRM-M-7619-2025

Date of decision : 10.02.2025

Harnek Singh

....Petitioner

V/S

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Raman Kumar, Advocate for the petitioner.

NAMIT KUMAR, J. (ORAL)

1. The petitioner has filed the instant petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing/setting aside the impugned order dated 30.07.2024 (Annexure P-3) passed by learned Additional District and Sessions Judge, Sri Muktsar Sahib, whereby the bail and surety bonds of the petitioner has been cancelled and non-bailable warrants has been issued in case FIR No.53 dated 25.02.2020 registered under Section 376 of IPC at Police Station City Malout, District Sri Muktsar Sahib.

2. Learned counsel for the petitioner contends that the petitioner was granted regular bail by learned Additional District & Sessions Judge, Sri Muktsar Sahib vide order dated 03.06.2020 and thereafter, he kept on appearing before the Trial Court regularly. However, due to miscommunication with the counsel and even the wrong date was noted by the counsel, the petitioner could not appear before the Trial Court on 30.07.2024. He submits that the petitioner is the victim of circumstances and his absence was unintentional. He further submits that the petitioner is ready and willing to join the trial proceedings and undertakes to be present before the Trial Court on each and every date.

3. Notice of motion.



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4. Mr. Adhiraj Singh, A.A.G., Punjab accepts notice on behalf of the respondent-State and submits that the impugned order has been passed on the sole ground of the absence of the petitioner.
5. I have heard learned counsel for the parties and perused the record.
6. A perusal of the order dated 30.07.2024 (Annexure P-3) reflects that the Trial Court proceeded to pass the extreme order of cancellation of bail for the solitary absence of petitioner. The object of cancellation of bond or declaration of anyone as proclaimed offender/person is to secure his presence. The petitioner has come forward to face the proceedings and undertakes to appear before the Trial Court on each and every date, thus, his presence would meet ends of justice. The explanation offered for non-appearance before the Trial Court is justified and therefore, the same is accepted.
7. Considering overall facts and circumstances of the case, the impugned order dated 30.07.2024 (Annexure P-3) is set aside subject to appearance of the petitioner before the Trial Court on 11.02.2025 the date fixed before it and on his doing so, he shall be released on bail and allowed to remain on the same bail bonds and surety bonds. In the event of non-compliance of this order, the order dated 30.07.2024 would remain intact.
8. The petition is disposed of in the above terms.

10.02.2025

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(NAMIT KUMAR)
JUDGE

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