



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

**CRM-M-12229-2025 (O&M)
Date of Decision:19.03.2025**

Johnson @ Rahul Johnson and Anr.

...Petitioners

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Manoj R. Sharma, Advocate
for the applicants/petitioners.

Mr. M.S. Bajwa, DAG, Punjab.

N.S.Shekhawat J. (Oral)

CRM-10146-2025

Application is allowed as prayed for, subject to just all exceptions.

Annexures A-1 and A-2 are taken on record.

Main case

1. The petitioners have filed the present petition under Section 528 of B.N.S.S with a prayer to quash the impugned orders dated 03.01.2025 (Annexure P-5) and 07.02.2025 (Annexure P-6) passed by the Court of Judicial Magistrate Ist Class, Gurdaspur, whereby the bail of the petitioners were cancelled and the bail bonds and surety bonds were ordered to be forfeited to the State and the petitioners were ordered to be summoned through non-bailable warrants of arrest and all other subsequent proceedings arising out therefrom.

2. Learned counsel for the petitioners contends that the petitioners

were falsely involved in the FIR, which was registered on 13.11.2018 and thereafter, they were ordered to be released on bail. Learned counsel further contends that the petitioners were regularly appearing before the Trial Court and never misused the concession of bail, however, they could not appear before the Trial Court on 03.01.2025, due to noting of wrong date. Due to non-appearance of the petitioners, the Trial Court had cancelled the bail and the bail bonds and surety bonds were ordered to be forfeited to the State and the petitioners were ordered to be summoned through non-bailable warrants of arrest. Learned counsel for the petitioners next contends that the petitioners are ready to surrender before the Court and shall join the trial proceedings. He further contends that the petitioners shall appear on each and every date of hearing, before the Trial Court and shall not absent themselves during the Court proceedings.

3. Notice of motion.

4. Mr. M.S. Bajwa, DAG, Punjab, who is present in the Court, accepts notice on behalf of respondent-State.

5. Learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioners on the ground that the petitioners had not appeared intentionally before the Trial Court and there is no illegality in the impugned orders passed by the Court below and the petitioners does not deserve the concession of bail.

6. I have heard the learned counsel for the petitioners and perused the record.

7. It is not in dispute that the petitioners were on bail earlier and were regularly appearing before the Trial Court, however, only on one date i.e.

03.01.2025, they could not appear before the Trial Court. Thus, taking a lenient view of the matter, the petitioners are permitted to surrender before the Trial Court/Duty Magistrate within a period of two weeks from today and on their surrender, they shall be admitted to bail. It is also ordered that the earlier bail bonds/surety bonds furnished by the petitioners shall be restored.

8. At the time of surrender, the petitioners shall also file an affidavit before the concerned Court that they shall continue to appear before the Court on each and every date of hearing and shall not absent themselves during the court proceedings, except with prior permission of the Court.

9. The Trial Court/Duty Magistrate shall also be at liberty to impose any other conditions, as it deems fit in the peculiar facts and circumstances of case.

10. The petition stands allowed in the above terms.

(N.S.SHEKHAWAT)
JUDGE

19.03.2025
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No