2025:PHHC:031324

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-12342-2025
Date of Decision:05.03.2025

Jaswinder Singh …Petitioner

vs.

State of Punjab …Respondent

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

Present : Mr. Gursahib Singh Hundal, Advocate
for the petitioner.

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

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N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 528 of B.N.S.S with a prayer to quash the impugned order dated 21.01.2025 (Annexure P-3) passed by the Judge, Special Court, Kapurthala, whereby the bail of the petitioner was cancelled and the bail bonds and surety bonds were ordered to be forfeited to the State and the petitioner was ordered to be summoned through non-bailable warrants of arrest.

2. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case and thereafter, he was ordered to be released on bail. He further contends that the petitioner was regularly appearing before the Trial Court, however, on two dates i.e. 09.10.2024 and 21.01.2025, he could not appear before the Trial Court. He further contends that the act of non-appearance on the part of the present petitioner was unintentional and he is ready to surrender before the Court and shall join the trial proceedings. He further contends that the petitioner shall appear on each

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and every date of hearing, before the Trial Court and shall not absent himself 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 petitioner on the ground that the petitioner had not appeared intentionally before the Trial Court and there is no illegality in the impugend order passed by the Court below and the petitioner does not deserve the concession of bail.

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

7. From a perusal of the record, it is apparent that the Trial Court has rightly cancelled the bail in the present case and there is no illegality in the impugned order passed by the trial Court. However, the petitioner could not appear before the Trial Court on 09.10.2024 and 21.01.2025 only. Thus, taking a lenient view of the matter, the petitioner is permitted to surrender before the Trial Court/Duty Magistrate within a period of two weeks from today and on his surrender, he shall be admitted to bail subject to furnishing bail bonds and surety to the satisfaction of the concerned Court.

8. At the time of furnishing of bail bonds, the petitioner shall also file an affidavit before the concerned Court that he shall continue to appear before the Court on each and every date of hearing and shall not absent himself during the court proceedings, except with prior permission of the Court.

9. The Trial Court/Duty Magistrate shall also be at liberty to impose

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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)
05.03.2025 **JUDGE**
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

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