

**In the High Court of Punjab and Haryana at Chandigarh****128(ii)****CRM-M-13104-2025****Date of Decision: 11.03.2025****SH. AMANDEEP SINGH @ GAGNA****.....PETITIONER****VERSUS****STATE OF PUNJAB****...RESPONDENTS****CORAM: HON'BLE MR. JUSTICE H.S.GREWAL****Present: Mr. Saksham Dudeja, Advocate for the petitioner.************H.S. GREWAL, J. (ORAL)**

1. This petition has been filed under Section 528 BNSS for quashing of order dated 24.07.2024 passed by the Additional Sessions Judge, Ludhiana whereby ordering the cancellation of the bail bond and forfeiting surety bond to the State, non bailable warrants have been issued against the petitioner in FIR No.10 dated 07.02.2022 under Section 379-B IPC registered at Police Station Koom Kalan, Police Commissionerate, Ludhiana.

2. Learned counsel for the petitioner submits that the petitioner being illiterate and working as labourer noted the wrong date of hearing as 25.09.2023 and could not appear before the learned trial Court on 21.09.2023. As such the learned trial Court cancelled the bail orders of the petitioner and his bail bonds and surety bonds were ordered to be forfeited. Non-bailable warrants of arrest against the petitioner have been issued. He further contended that the petitioner may be permitted to surrender before the learned trial Court to attend the proceedings regularly and, therefore, requests that the impugned order may be set aside.



3. Notice of motion.

4. On the asking of the Court, Mr. Amandeep Singh Samra, AAG, Punjab accepts notice on behalf of the respondent-State. He states that he has no objection in case the impugned order is set aside.

5. I have heard learned counsel for the parties and gone through the case file.

6. In view of the limited prayer made by the learned counsel for the petitioner, this Court deems it appropriate to decide this case at preliminary stage as no prejudice is going to be caused to the State. Keeping in view the facts and circumstances of the case, the order dated 24.07.2024 passed by the Additional Sessions Judge, Ludhiana is ordered to be set aside. The petitioner is directed to surrender before the learned trial Court and move an application for regular bail within seven days, which shall be considered and disposed of by the learned trial Court on the same very day.

7. It is made clear that in case, the petitioner fails to surrender before the Trial Court within 07 days from the date of receipt of certified copy of this order, this order shall not be beneficial for him, thereafter.

8. Accordingly, the petition stands allowed.

11.03.2025

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(H.S.GREWAL)
JUDGE

Whether speaking/ reasoned :

Yes/No

Whether Reportable :

Yes/No