



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

**CRM-M-14497-2025
DECIDED ON: 18.03.2025**

PARDEEP

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. J.P. Jangu, Advocate
for the petitioner.

Mr. Chetan Sharma, DAG Haryana

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 528 of BNSS, 2023 praying for quashing of the impugned order dated 10.07.2024 passed by Ld. Addl. Sessions Judge, Rewari (Annexure P-4) in FIR No. 431 dated 21.12.2022, under sections 21 (1) & 21 (4) (A) of Mining Act, Police Station Kasola, District Rewari (Annexure P- 1), whereby bail of the petitioner in cancelled and forfeited the bonds to the State and issued the non bailable warrants of the petitioner for 03.12.2024, illegally, arbitrary and without considering the actual facts and circumstances of the case.

Learned counsel for the petitioner submits that the petitioner could not appear before the trial Court on 10.07.2024 and an application seeking exemption from personal appearance was filed, which was rejected by the Court below and bail of the petitioner has been cancelled and bonds forfeited to the

State and he was summoned through non-bailable warrants. He therefore, asserts that his absence before the trial Court is neither intentional, nor deliberate, but due to circumstances which were beyond his control.

Learned counsel for the petitioner having instructions would submit the undertaking before this Court that the petitioner is ready and willing to join the trial proceedings and will surrender before the trial Court.

In the light of above, the order dated 10.07.2024 (Annexure P-4) is hereby quashed subject to the undertaking given on behalf of the petitioner. However, he shall also be liable to pay a penalty of Rs.10,000/-, which shall be paid to the Chandi Kusht Asshram Society, (account No.1445265900) (IFSC Code KKBK0004211), Kotak Mahindra Bank, Sector 46-C Chandigarh, a receipt of which shall be produced before the trial Court at the time of surrender.

The petitioner shall surrender before the trial Court within a period ten days from today and in case he moves an application seeking regular bail, the same be considered by the Court below preferably on that very day in accordance with law.

The amount so deposited by the petitioner shall not be construed as cost but penalty for stalling the court proceedings by evading himself from trial for a long time.

The petition stands disposed off in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

18.03.2025

Meenu

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