



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

149

CWP-17829-2025

Decided On: 01.04.2025

KULDEEP SINGH AND ANOTHER

.....PETITIONER(s)

Versus

STATE OF PUNJAB

.....RESPONDENT(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Amandeep Singh, Advocate for the petitioners.

Mr. Anurag Chopra, Additional A. G., Punjab.

TRIBHUVAN DAHIYA J.(Oral)

The petition has been filed seeking quashing of orders dated 28.02.2025 and 03.03.2025, passed by the Additional District and Sessions Judge, Ludhiana, whereby non-bailable warrants of arrest have been issued against the petitioners in case FIR no.19, dated 08.02.2022, under Sections 307, 427, 148, 149, 506, 188 IPC, Sections 25, 27, 54, 59 of the Arms Act, 1959, Section 51 of the Disaster Management Act, 2005, Section 3 of the Epidemic Diseases Act, 1897 and Section 127 of the Representation of People Act, 1951 and 1988, registered at Police Station Shimlapuri, District Ludhiana.

2. A perusal of the impugned order dated 28.02.2025, shows that on account of consistent non-appearance by the petitioners, despite specific orders to remain present for framing of charges, their bail bonds and surety bonds were cancelled and forfeited. The order reads as under:

Accused Gurpreet Singh Khanna, Jagjot Singh, Ravinder Singh, Pawandeep, Jagjot Singh, Goldy Aneja, Amit Kapoor and Ravinder Singh @ Ricky Kalsi have also not appeared. The case



called several times since morning during pre-lunch and post lunch sessions, but none has appeared on behalf of abovesaid accused. It is 04:00 PM. Further wait of abovesaid accused persons is not justified. This Court on the last date had specifically directed the accused to remain present for framing of charges against them. The accused have flouted the orders. Accordingly, this Court considers it fit to cancel the bail bonds and surety bonds of the accused Gurpreet Singh Khanna, Jagjot Singh, Ravinder Singh, Pawandeep, Jagjot Singh, Goldy Aneja, Amit Kapoor and Ravinder Singh @ Ricky Kalsi. The bail bonds and surety bonds of the above named accused are cancelled and forfeited to state. Let non-bailable warrants of accused Gurpreet Singh Khanna, Jagjot Singh, Ravinder Singh, Pawandeep, Jagjot Singh, Goldy Aneja, Amit Kapoor and Ravinder Singh @ Ricky Kalsi be issued for date fixed.

Non-bailable warrants of arrest were not received back, fresh warrants of arrest were issued for 10.03.2025, vide order dated 03.03.2025.

3. Learned counsel for the petitioners contends that the petitioners should be granted similar indulgence as given to the co-accused, Simarjit Singh Bains, in CRM-M-16003-2025, vide order dated 24.03.2025.

4. Learned State counsel, on the contrary, contends that the petitioners are not entitled any indulgence from this Court as the order, dated 24.03.2025, relied upon by them was passed under different circumstances and for distinct reasons. This is apparent from paragraph 5 of the order, which reads as under:

5. There is no dispute that the petitioner was admitted to bail by this Court vide order dated 16.01.2023. In case there was violation of any of the terms incorporated therein, it was open to the trial Court to cancel his bail bonds and surety bonds, but the bail granted by the High Court could only be cancelled by the High Court under Section 439 (2) Cr.P.C. after appropriate



application to that effect by the State, and not by the Court of Sessions. Accordingly, the order dated 28.02.2025 is without jurisdiction to the extent it cancels the petitioner's bail.

5. Heard.

6. As apparent on record, the order dated 24.03.2025, relied upon by learned counsel for the petitioner, was passed since the trial Court had cancelled the bail granted by this Court on account of non-appearance of the co-accused which was without jurisdiction; the accused was granted liberty to surrender and seek recall of the non-bailable warrants. The facts of the instant case are different, and no interference is called for with the orders passed by the trial Court cancelling the bail bonds and surety bonds for valid reasons mentioned therein.

7. In view thereof, the petition stands dismissed with liberty to the petitioners to surrender before the trial Court and file appropriate application seeking recall of order, dated 28.02.2025, which will be expeditiously decided.

01.04.2025

Ad

(TRIBHUVAN DAHIYA)
JUDGE

Whether speaking/reasoned?
Whether reportable?

Yes/No
Yes/No