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

**CRM-M-18164-2025
DECIDED ON: 02.04.2025**

AASIF ANSARI**.....PETITIONER**

VERSUS

UT OF CHANDIGARH**.....RESPONDENT****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Sahil Parmar, Advocate for the petitioner.
Mr. Viren Sibal, APP, UT, Chandigarh.

SANDEEP MOUDGIL, J (ORAL)

This is petition U/s 528 Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 for Quashing/Setting Aside of order dated 28/11/2024(Annexure P-6) passed by Ld. ASJ, Chandigarh vide which bail of the petitioner was cancelled and his non-bailable warrants were issued after forfeiting his bail and surety bonds and order dated 04/03/2025(Annexure P-8) passed by Ld. ASJ, Chandigarh in case titled as *State of UT Chandigarh Vs Jai Kumar* and Another registered from FIR No. 116 dated 05/05/2021 U/s 379-A, 34 and 411 IPC registered at PS Sector-39, Chandigarh vide which petitioner has been declared as proclaimed person and notice U/s 446 Cr.P.C. has been issued to his surety in an illegal and arbitrary manner alongwith all consequential proceedings initiated thereon from the aforesaid order being void, illegal and without jurisdiction.

The learned counsel for the petitioner submits that the petitioner had been regularly attending the trial court since past 19 dates. However, on 16.10.2024, the petitioner was granted exemption from appearance, and the

case was adjourned to 28.11.2024 for the prosecution's evidence. On 28.11.2024, the petitioner was suffering from high fever and, in this regard, informed his counsel by phone about his illness, requesting the counsel to submit an exemption application on his behalf. The trial court, however, dismissed the exemption application, citing lack of supporting medical documents and an affidavit by the petitioner. As a result, the petitioner's bail was cancelled, and a non-bailable warrant was issued for his appearance vide order dated 28.11.2024 (Annexure P-6). Thereafter on 04.03.2025 (Annexure P-8), the proclamation proceedings has been initiated against the petitioner and he was declared as a proclaimed person.

Learned counsel for the petitioner on instructions from his client the outset without contesting the orders dated 28.11.2024 & 04.03.2025 (Annexures P-6 & P-8 respectively) on merits undertakes to surrender before the Court below and to join the trial proceedings.

In the light of above, without commenting upon the merits of the case, the orders 28.11.2024 & 04.03.2025 (Annexures P-6 & P-8 respectively) is hereby quashed, subject to the above undertaking as given on behalf of the petitioner by the counsel.

The petitioner is directed to surrender before the trial Court on 03.04.2025, the date already fixed before the trial Court. In case, he moves an application seeking bail, the same shall be considered preferably on that very day itself in accordance with law.

The petition in the aforesaid terms stands disposed off.

(SANDEEP MOUDGIL)
JUDGE

02.04.2025

Meenu

Whether speaking/reasoned Yes/No

Whether reportable Yes/No