



**In the High Court for the States of Punjab and Haryana
At Chandigarh**

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CRM-M-41710-2025 (O&M)

Date of Decision:-04.08.2025

Ful Mahammad Miyan @ Phull Mohammad @ Phool Mohammad

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE H. S. GREWAL

Present:- Mr. Sandeep Kumar Yadav, Advocate with
Ms. Sangeeta Yadav, Advocate for the petitioner.

H. S. Grewal, J.(Oral)

1. The instant petition has been filed under Section 528 of the BNSS for quashing of order dated 08.10.2021 (Annexure P-3) passed by learned Additional Sessions Judge, Hoshiarpur whereby in case FIR No.158 dated 28.07.2016 registered under Sections 302, 201, 148, 149 and 34 of the IPC, registered at Police Station Tanda, District Hoshiarpur, non-bailable warrants have been issued. The said warrants are still in operation whereby the arrest of the petitioner has been ordered by the learned trial Court.

2. The case of the prosecution is that in an FIR registered, he was earlier found innocent thereafter he was summoned under Section 319 Cr.P.C. for which he never received any intimation or warrants to appear before the Court to join trial since he was a resident of Bihar. Meanwhile, in the same case, the co-accused facing trial has since been acquitted by the Court vide order dated 28.04.2023, however, the warrants for arrest of the petitioner could not be executed since he was a resident of Bihar. The



petitioner states that he is willing to join trial and pleads that he may be permitted to do so.

3. Notice of motion.

4. On the asking of the Court, Mr. Kamalpreet Bawa, DAG, PunjaB accepts notice behalf of the respondent-State.

5. Learned counsel for the petitioner, on instructions submits that the petitioner undertakes to appear before the trial Court concerned on each and every date and shall not seek any exemption for his personal appearance on any date of hearing before the trial Court. Hence, in the aforementioned facts and circumstances, the petitioner prays that directions be issued to the trial Court concerned that his bail application, which he would be filing on his surrender, be decided expeditiously.

6. I have heard learned counsel for the parties and perused the material placed on record.

7. In view of the above, the instant petition is allowed and impugned order dated 08.10.2021 (Annexure P-3) passed by the learned Additional Sessions Judge, Hoshiarpur in case FIR No.158 dated 28.07.2016 registered under Sections 302, 201, 148, 149 and 34 of the IPC, registered at Police Station Tanda, District Hoshiarpur stands set aside, subject to the condition that the petitioner shall appear and move an application for bail before the trial Court concerned within next 07 days from the date of receipt of certified copy of this order, however, subject to payment of costs of Rs.10,000/- to be paid to the DLSA concerned and the concerned Court shall decide the said application within a period of three days thereafter.



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8. It is made clear that in case, the petitioner fails to surrender before the Court concerned within 07 days from today, this order shall be of no avail to him, thereafter.

04.08.2025
geeta

(H. S. Grewal)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No