

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

2025:PHHC:068400



266

CRM-M-20209-2025 (O&M)

Date of Decision: 21.05.2025.

Karan @ Boga

...Petitioner.

Versus

State of Punjab

...Respondent.

CORAM: HON'BLE MRS. JUSTICE SUKHVINDER KAUR

.....

Present: Mr. M.S. Kathuria, Advocate for the petitioner.

Mr. S.S. Mandher, AAG, Punjab.

SUKHVINDER KAUR, J. (Oral)

Present petition has been filed under Section 528 of BNSS, 2023 for setting aside of order dated 21.03.2024 (Annexure P8) passed by learned trial Court, vide which non bailable warrants were issued against the petitioner as well as order dated 23.07.2024 (Annexure P9), whereby bail of the petitioner was cancelled and bail/ surety bonds were forfeited to the State, in FIR No.17 dated 13.02.2023, under Sections 379-B, 411, 34 IPC, registered at Police Station Basti Jodhewal, District Ludhiana, Punjab.

In compliance of order dated 21.04.2025 passed by this Court, learned State counsel has filed affidavit of Devinder Kumar, PPS, Assistant Commissioner of Police (North), Ludhiana on behalf of respondent-State, which is taken on record.

The relevant facts of the present case are that the petitioner is facing trial in the afore-said case and was granted regular bail by learned

Additional Sessions Judge, Ludhiana vide order dated 28.08.2023. On 21.03.2024, the petitioner did not appear before the trial Court and non-bailable warrants were issued against him without cancelling his bail and on 23.07.2024, due to his non-appearance his bail order as well as bail bonds and surety bonds were cancelled and forfeited to State and he was ordered to be summoned through non-bailable warrants.

It has been contended by learned counsel for the petitioner that earlier the petitioner was regularly appearing before the trial Court and absence of the petitioner on 21.03.2024 and 23.07.2024 was not intentional but was due to the reason that he remained admitted in rehabilitation centre for his treatment at Jeevan Aasra Foundation & Welfare Society, Mukandpur Road near R.O. Resort, Banga, District SBS Nagar, (Nawa Shahr), Punjab for one year and got discharged from the said centre in the month of October, 2024. The petitioner had informed the factum of his illness to his counsel and an application seeking exemption of the petitioner from his personal appearance was moved, which was allowed. Thereafter, the petitioner remained in the said rehabilitation centre but as his family members could not keep track of the trial, on account of the absence of the petitioner, non-bailable warrants were issued against him and his bail was cancelled and his bail/ surety bonds were ordered to be forfeited to the State. Learned counsel has submitted that the petitioner is ready to surrender before the trial Court and has prayed that the impugned orders dated 21.03.2024 and 23.07.2024 be quashed.

Heard.

From the perusal of the file, it emerges that as per the petitioner, he was unable to attend the Court on various dates as he remained admitted

in the aforesaid rehabilitation centre for his treatment. Trial of the case is likely to take time and no useful purpose is likely to be served by sending him behind the bars. Accordingly, impugned orders dated 21.03.2024 and 23.07.2024, only qua the petitioner are set aside. The petitioner is directed to surrender and appear before the trial Court within two weeks and on doing so, he would be released on bail on furnishing his fresh bail/surety bonds to the satisfaction of the Court concerned and with the undertaking to appear regularly before the trial Court on each and every date of hearing. If the petitioner will not comply with this order, within the stipulated time he won't be able to avail the benefit of bail granted vide this order.

Disposed of in the aforesaid terms.

(SUKHVINDER KAUR)
JUDGE

21.05.2025.

Komal

Whether speaking/reasoned?	:	Yes/ No
Whether reportable?	:	Yes/ No