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

CRM-M-20613-2025

DECIDED ON: 22.04.2025

SHAM SINGH**.....PETITIONER**

VERSUS

STATE OF PUNJAB**.....RESPONDENT****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Anosh Samson, Advocate for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 528 of BNSS, 2023 seeking quashing of order dated 03.04.2025 (Annexure P-5) vide which non-bailable warrant was issued against the petitioner in FIR No.76 dated 11.06.2019 under Sections 379B, 411 of IPC, registered at Police Station City Batala, Gurdaspur.

2. Learned counsel for the petitioner submits that the petitioner was regularly appearing before the trial Court but on 21.01.2025 due to wrong noting of date, he could not appear before the Court below and, therefore, his bail order was cancelled and bail bonds/surety bonds were forfeited to the State and non-bailable warrants has been issued against him on 03.04.2025 for 31.05.2025. He undertakes on behalf of the petitioner he is ready and willing to surrender before the trial Court.

3. Notice of motion.

4. Mr. Jaspal Singh Guru, AAG Punjab, accepts notice on behalf of respondent/State and not averse to the undertaking given on behalf of the petitioner.

5. Be that as it may, without going further into the merits of the order dated 03.04.2025 (Annexure P-5), once the petitioner is ready and willing to join

the trial proceedings, as has been undertaken before this Court, this Court deem it appropriate to dispose of the petition at this stage itself.

6. The impugned order dated 03.04.2025 (Annexure P-5) is hereby quashed. The petitioner shall surrender before the trial Court within a period of 10 days from today and in case, he moves an application for regular bail on that day or any other subsequent date, same may be considered and decided in accordance with law preferably on that very day itself.

7. This Court is also sanguine of the fact that due to absence may be on account of the reasons, as has been detailed in the petition and submitted before this Court during the course of hearing, the fact remains that the judicial process have been delayed.

8. As a penalty for causing delay in the judicial process, the petitioner is penalized with a penalty of Rs.10,000/-, which shall be paid to the Punjab & Haryana High Court Bar Association, Chandigarh, a receipt of which shall be produced before the trial Court at the time of surrender.

9. However, the aforesaid order would be subject to fulfillment of undertaking given before this Court on behalf of the petitioner that he will surrender before the trial Court within ten days.

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

11. The petition stands disposed off in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

22.04.2025

Meenu

Whether speaking/reasoned Yes/No
Whether reportable Yes/No