



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

123

**CRM-M-21004-2025
DATE OF DECISION: 25.04.2025**

**SUMIT GABA ALIAS RAYYA AND ANR
...PETITIONERS**

Versus

**STATE OF PUNJAB
... RESPONDENT**

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Puneet Sharma, Advocate for
Mr. Vishal Sharma, Advocate the petitioner(s).

Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 528 of The Bhartiya Nagrik Suraksha Sanhita, 2023 for quashing of the impugned orders Dated 18.03.2025, 28.03.2025 and 07.04.2025 (Annexure P-5) vide which the bail bonds of the petitioners have cancelled and forfeited to the State and vide order dated 28.03.2025 fresh non-Bailable warrants of the petitioners are issued and vide order dated 07.04.2025 process of Proclamation u/s 84 BNSS has been initiated and notice to their sureties has been issued for 20.05.2025 in case F.I.R. No.38 dated 30.03.2024 under Section 307, 148, 149, 506, 120-B IPC and Section 25 of the Arms Act AND Sections 201, 212, 216 IPC has been added later on registered at PS Sadar, Pathankot, District Pathankot, Punjab (Annexure P-1).



Learned counsel for the petitioners submits the petitioners could not appear in Court on one date i.e. 18.03.2025 due to some unavoidable reasons, therefore, the Trial Court cancelled the bail of the petitioner and issued non-bailable warrants of arrest. He submits that the petitioners did not had any intention to avoid attendance in the Court proceedings otherwise they were appearing regularly on each and every date before the Court. He undertakes that the petitioners will surrender before the trial Court and shall join the trial proceedings without any delay or default in future.

Notice of motion.

On the asking of the Court, learned State Counsel accepts notice on behalf of the respondent-State, who is not averse to the undertaking given by the petitioners that they will surrender before the trial Court.

Considering the submissions made by learned counsel and also in appreciation of the fact that it will only speed up the proceedings before the Trial Court which is one of the essence as enshrined under Article 21 of the Constitution of India, the petitioners are directed to surrender before the trial Court within a period of 10 days from today and apply for regular bail.

In case, such an application for bail is moved by the petitioners before the learned trial Court, the same shall be considered on the same date and decided in accordance with law.

However, it is made clear that in case the petitioners does not abide by the aforesaid undertaking, the respondent/State shall be at



liberty to move an appropriate application for revival of the instant petition.

The aforesaid order/concession to the petitioners shall be subject to payment of costs of Rs.15,000/- to be deposited with the Punjab and Haryana High Court Bar Association, Chandigarh and a receipt of the same be produced before the Trial Court and only in that eventuality, application of the petitioners for seeking bail be considered and decided on the same day in accordance with law.

The amount so deposited by the petitioners shall not be construed as cost for this order but penalty for stalling the court proceedings by evading themselves from trial.

The instant petition is disposed of in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

25.04.2025
anuradha

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>