



137

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

**CRM-M No.22296 of 2025
Date of decision : 28.04.2025**

Arshdeep Singh and another**.....Petitioners**

versus

State of Haryana**..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Sunil Kumar Bhorla, Advocate
for the petitioners.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed praying for quashing of impugned orders dated 10.10.2024 & 06.02.2025 (Annexures P-8 & P-10) passed by the learned Sessions Judge, Panchkula in SC No.118 of 2022, titled as 'State of Haryana vs. Arshdeep Singh and others' in FIR No.297, dated 29.06.2022, under Sections 395, 412 & 323 of IPC, registered at Police Station Sector 5, Panchkula (Annexure P-1) along with all consequential proceedings arising therefrom. Further prayer has been made for staying the further proceedings before the learned trial Court during the pendency of the present petition.

2. Precise submission made by learned counsel for the petitioners is that the petitioners were prosecuted in the case bearing FIR No.297, dated 29.06.2022, under Sections 395, 412 & 323 of IPC. He has submitted that the petitioners have been falsely implicated in the present FIR. After registration of the FIR, the petitioners were granted the



concession of regular bail by the learned trial Court vide order dated 28.03.2023. He has submitted that thereafter the petitioners were regularly appearing before the trial Court. He has further submitted the challan was presented and charges were also framed. He has submitted that on 10.10.2024, the petitioners filed the application for exemption from personal appearance before the learned trial Court as they were out of station. However, the learned trial Court declined the application filed by the petitioners seeking personal exemption and cancelled the bail of the petitioners and bail/surety bonds were also forfeited to the State vide impugned order dated 10.10.2024. He has submitted that warrants of arrest were also issued against the petitioners. He has further submitted that the learned trial Court issuedailable warrants against the petitioners in the sum of Rs.5000/- with one surety in the like amount each against the sureties vide impugned order dated 06.02.2025. He has submitted that absence of the petitioners were *bona fide* and not intentional and they never misused the concession of bail granted to them. He has submitted that the petitioners are ready to appear before the learned trial Court and abide by the terms and conditions imposed upon them.

3. Notice of motion.

4. On the asking of the Court, Mr. Tanuj Sharma, AAG, Haryana appears and accepts notice on behalf of the respondent-State. He on the other hand has contended that theailable warrants of arrest were rightly issued against the petitioners and they are liable to be prosecuted in the said case, as they had failed to appear in the Court despite orders.

5. I have heard counsel for the parties and perused the record.

6. It is apparent that the petitioner was prosecuted in case FIR



No.297, dated 29.06.2022, under Sections 395, 412 & 323 of IPC in which bailable warrants of arrest were issued against them due to their absence. He has submitted that the petitioners were out of station for some urgent work and thus their bail was cancelled and bail/surety bonds were forfeited to the State. Bailable warrants were also issued against the petitioners. As the petitioners are keen to join the proceedings, so keeping in view the abovesaid facts, the present petition is disposed of and the impugned orders dated 10.10.2024 & 06.02.2025 (Annexure P-8 & P-10) are hereby *set aside* subject to payment of costs of Rs.10,000/- to be deposited with the Spinal Rehab Centre, Sector 28-A, Madhya Marg, Chandigarh by the petitioners within one week from today. In case, the petitioners appear and surrender before the Court concerned within a period of 10 days from today and files an application for bail alongwith receipt of abovesaid costs, the Court concerned is directed to admit them to bail subject to its satisfaction and proceed with the trial in accordance with law. The petitioners will have protection from arrest for a period of 10 days from today.

7. Needless to say that in case the petitioners fail to comply with the abovesaid direction, they will have no benefit of abovesaid protection granted by this Court and orders under challenge dated 10.10.2024 & 06.02.2025 would come in force and the present petition would be deemed to have been dismissed.

28.04.2025

rittu

(RAJESH BHARDWAJ)
JUDGE

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