

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

2025:PHHC:061588



133

CRM-M-24955-2025 (O&M)

Date of Decision: 08.05.2025.

Harmesh Lal

...Petitioner.

Versus

State of Punjab

...Respondent.

CORAM: HON'BLE MRS. JUSTICE SUKHVINDER KAUR

Present: Mr. Mitul Singh Rana, Advocate and
Mr. Karamjit Singh, Advocate for the petitioner.

Ms. Gaganpreet Kaur, DAG, Punjab.

SUKHVINDER KAUR, J. (Oral)

Present petition has been filed under Section 529 of BNSS for setting aside the order dated 28.01.2025 passed by Judicial Magistrate Ist Class, Hoshiarpur in CHI/376/2024 dated 26.07.2024, arising out of DDR No.28 dated 17.06.2023, under Sections 323, 341, 506, 34 IPC, registered at Police Station Hariana, Hoshiarpur, which is a cross version of FIR No.54 dated 14.06.2023, under Sections 323, 341, 506, 379, 148, 149 of IPC, registered at Police Station Hariana, Hoshiarpur, vide which the trial Court has issued non-bailable warrants against the petitioner.

The relevant facts of the present case are that the petitioner is facing trial in the afore-said case and was granted bail by trial Court on 26.07.2024. On various dates, he filed application(s) through his counsel for exemption of his presence. Ultimately, he absented before the trial Court on 28.01.2025. His bail bonds and surety bonds were cancelled and forfeited to State and he was ordered to be summoned through non-bailable warrants. However, the presence of the petitioner could not be procured despite issuing

of non-bailable warrants several times. Then, vide order dated 08.04.2025, he has been ordered to be summoned through proclamation, for 27.05.2025.

It has been contended by learned counsel for the petitioner that earlier the petitioner was regularly appearing before the trial Court and whenever he did not appear, he always moved an application for exemption of his presence. On said date, his absence was not intentional but was due to some miscommunication between him and his counsel, who noted down the wrong date of hearing as 20.03.2025 instead of 20.01.2025 and only because of this reason, he absented himself before the trial Court on that day. Learned counsel has submitted that as such, absence of the petitioner was not wilful and intentional and he is ready to surrender before the trial Court. Therefore, the impugned order dated 28.01.2005 be set aside.

Heard.

From the record, it emerges that earlier the petitioner had been informing the trial Court in case he was unable to attend the Court on a specific date. 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 order dated 28.01.2025 is set aside. The petitioner is directed to surrender and appear before the trial Court within 10 days 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 and subject to depositing of cost of Rs.5,000/- with DLSA, Hoshiarpur.

Disposed of in the aforesaid terms.

(SUKHVINDER KAUR)
JUDGE

08.05.2025.

<i>Komal</i>	Whether speaking/reasoned?	:	Yes/ No
	Whether reportable?	:	Yes/ No