

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

2025:PHHC:066863



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CRM-M-27082-2025 (O&M)

Date of Decision: 19.05.2025.

Sachin Sharma

...Petitioner.

Versus

State of Punjab

...Respondent.

CORAM: HON'BLE MRS. JUSTICE SUKHVINDER KAUR

.....

Present: Mr. Vipin Mahajan, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, DAG, Punjab.

SUKHVINDER KAUR, J.

Present petition has been filed under Section 528 of BNSS 2023 for quashing of order dated 02.12.2024 passed by Judicial Magistrate Ist Class, Amritsar, arising out of FIR No.163 dated 15.10.2019, under Sections 420, 465, 467, 468, 471 of IPC and Section 13 of Punjab Travel Professional (Regulations) Act, 2014, vide which the trial Court has issued non bailable warrants against the petitioner.

The relevant facts for the purpose of adjudication of present petition as alleged in the petition are that the petitioner was granted regular bail by learned Additional Sessions Judge, vide order dated 13.07.2021 (Anneuxre P2) in the aforesaid FIR. The petitioner had been appearing before the trial Court for awaiting presentation of supplementary challan. On 16.07.2024, the case was transferred from the said Court to another Court and case was

adjourned to 22.08.2024. On 22.08.2024, the case was adjourned to 13.09.2024. The petitioner absented on 13.09.2024 and he was ordered to be summoned through bailable warrants. Thereafter, the case was adjourned to 30.10.2024 and then to 02.12.2024. On 02.12.2024, when bailable warrants issued against the petitioner were not received back then he was ordered to be summoned through non-bailable warrants by the trial Court and his bail bonds were cancelled and forfeited to State. It has been alleged that the petitioner filed anticipatory bail application before learned Sessions Judge, Amritsar and vide order dated 29.01.2025, the petitioner was directed to surrender before the trial Court within 15 days, failing which the bail application would be deemed to be dismissed. It has been further alleged that the counsel did not inform the petitioner that he had to surrender within 15 days. Moreover, the petitioner was involved in one more case bearing FIR No.34 dated 25.04.2024, under Sections 465, 467, 468, 471 IPC and Section 13 of Punjab Travel Professional (Regulation) Act, Police Station Ramdas, District Amritsar Rural, so could not surrender before the trial Court within the stipulated time.

Learned counsel for the petitioner has contended that as such absence of the petitioner before the trial Court was not intentional and wilful. He has requested that as next date before the trial Court is 22.05.2025 and the petitioner is ready to appear before the trial Court before trial Court, the impugned order dated 02.12.2024 be quashed, to enable him to surrender before the trial Court.

I have heard learned counsel for the parties.

From the perusal of the record, it emerges that the trial of the case is likely to take time and no useful purpose is likely to be served by sending the petitioner behind the bars. Accordingly, impugned order dated 02.12.2024 is set aside. One last opportunity is granted to the petitioner to surrender and appear

before the trial Court on 22.05.2025 i.e. date already fixed 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 would not surrender before the trial Court on aforesaid date, then the petitioner would not be able to avail any benefit of the order passed today.

Disposed of in the aforesaid terms.

(SUKHVINDER KAUR)
JUDGE

19.05.2025.

Komal

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