



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

124

CRM-M-28837-2025

DATE OF DECISION: 23.05.2025

AVTAR SINGH

...PETITIONER

Versus

M/S JINDAL SHUTTERING STORE & ANOTHER

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Vivek Goyal, Advocate for the petitioner(s).
(through Hybrid Mode).

SANDEEP MOUDGIL, J (ORAL)

There was a request for hearing of the case through Video Conferencing.

Prayer is adhered to.

The jurisdiction of this Court has been invoked under Section 528 of Bhartiya Nagarik Suraksha Sanhita, 2023 for setting aside order dated 15.01.2025 (Annexure P-1) passed by Addl. Session Judge, Kurukshetra in Criminal Appeal No. 354 of 2019, Date of Institution 20.11.2019, titled M/S Jindal Shuttering Store & Another Vs Avtar Singh,, whereby the court below has illegally and unlawfully ordered cancellation of the bail and forfeiture of bail bonds though the petitioner failed to appear only on one date in an appeal pending from last 6 year.



Learned counsel for the petitioner submits the petitioner could not appear in Court on one date i.e. 15.01.2025 due to noted down a wrong date, therefore, the Trial Court cancelled the bail of the petitioner and surety bonds forfeited. He submits that the petitioner did not had any intention to avoid attendance in the Court proceedings otherwise he was appearing regularly on each and every date before the Court. He undertakes that the petitioner will surrender before the trial Court and shall join the trial proceedings without any delay or default in future.

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 petitioner is directed to surrender before the trial Court within a period of one week from today and apply for regular bail.

In case, such an application for bail is moved by the petitioner 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 petitioner does not abide by the aforesaid undertaking, the respondent shall be at liberty to move an appropriate application for revival of the instant petition.

The aforesaid order/concession to the petitioner shall be subject to compensatory penalty of Rs.18,000/- to be deposited with the Punjab and Haryana High Court Employees' Welfare Association and a receipt of the same be produced before the Trial Court and only in that



eventuality, application of the petitioner for seeking bail be considered and decided on the same day in accordance with law.

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

The instant petition is disposed of in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

23.05.2025
anuradha

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