



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

CRM-M-30214-2025 (O&M)

Date of Decision:16.07.2025

Amit Kumar

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Nitesh Singhi, Advocate
for the petitioner (through VC).

Mr. I.P.S Sabharwal, DAG, Punjab.

N.S.Shekhawat J. (Oral)

CRM-23543-2025

1. Application is allowed as prayed for, subject to just all exceptions.
2. Annexures P-5 to P-8 are taken on record.

Main case

1. The petitioner has filed the present petition under Section 528 of B.N.S.S with a prayer to set aside the impugned order dated 23.04.2024 (Annexure P-1) passed by the Judge Special Court, Jalandhar, whereby the bail of the petitioner was cancelled and the bail bonds and surety bonds were ordered to be forfeited to the State and the petitioner was ordered to be summoned through non-bailable warrants of arrest.
2. Learned counsel for the petitioner contends that the petitioner was falsely involved in the FIR, which was registered on 15.12.2021 and thereafter, he was ordered to be released on bail. He further contends that the petitioner was regularly appearing before the Trial Court and never misused the

concession of bail. However, due to some communication gap between the petitioner and his counsel, he could not appear before the Trial Court on 23.04.2024. Due to non-appearance of the petitioner, the Trial Court had cancelled the bail and the bail bonds and surety bonds were ordered to be forfeited to the State and the petitioner was ordered to be summoned through non-bailable warrants of arrest. Learned counsel for the petitioner next contends that the petitioner is ready to surrender before the Court and shall join the trial proceedings. He further contends that the petitioner shall appear on each and every date of hearing, before the Trial Court and shall not absent himself during the Court proceedings.

3. Notice of motion.

4. Mr. Tarun Aggarwal, Addl. A.G., Punjab, who is present in the Court, accepts notice on behalf of respondent-State.

5. Learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the petitioner had not appeared intentionally before the Trial Court and there is no illegality in the impugned order passed by the Court below and the petitioner does not deserve the concession of bail.

6. I have heard the learned counsel for the parties and perused the record carefully.

7. From a perusal of the record, it is apparent that the Trial Court has rightly cancelled the bail in the present case and there is no illegality in the impugned order passed by the trial Court. However, due to some communication gap between him and his counsel, the petitioner could not appear before the Trial Court. Thus, taking a lenient view of the matter, the petitioner is permitted

to surrender before the Trial Court/Duty Magistrate within a period of two weeks from today and on his surrender, he shall be admitted to bail subject to furnishing bail bonds and surety to the satisfaction of the concerned Court. However, the petitioner shall also deposit a sum of Rs.50,000/- as cost, which shall be deposited with ***Punjab and Haryana High Court Bar Clerks Association.***

8. At the time of furnishing of bail bonds, the petitioner shall also file an affidavit before the concerned Court that he shall continue to appear before the Court on each and every date of hearing and shall not absent himself during the court proceedings, except with prior permission of the Court.
9. The Trial Court/Duty Magistrate shall also be at liberty to impose any other conditions, as it deems fit in the peculiar facts and circumstances of case.
10. The petition stands allowed in the above terms.
11. In case, the cost is not deposited, the present petition shall be deemed to be dismissed.

16.07.2025
hitesh

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No