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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-40787-2025

DECIDED ON: 31.07.2025

HARBIR

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Manish Soni, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 528 of BNSS, 2023 for setting aside the impugned order dated 21.02.2025 (Annexure P-4), passed by learned Judicial Magistrate 1st Class, Gurugram in case bearing No. CHI/3196/2019 dated 29.08.2019 titled as *State vs. Sube Singh and others* arising out of FIR No. 206 dated 31.05.2019 (Annexure P-1) registered under Sections 386, 294, 506 IPC at Police Station Khedki Daula, District Gurugram whereby learned Judicial Magistrate 1st Class, Gurugram cancelled the regular bail already granted to the petitioner and thereby issued warrants of arrest against the petitioner.

Learned counsel for the petitioner submits that it is only on one occasion i.e. on 21.02.2025, when the petitioner could not appear before the trial Court, however, he has been continuously appearing on each and every date. He further submits that the absence of the petitioner on the said date i.e. 21.02.2025 is stated to be on account of miscommunication between him and his counsel as he

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had wrongly noted the date. Due to his absence on 21.02.2025, his bail stands cancelled and bail/surety bonds were forfeited to the State and he was summoned through non-bailable warrants for 07.03.2025.

Learned counsel for the petitioner undertakes that the petitioner will surrender before the trial Court and shall join the trial proceedings without any delay or default in future.

Notice of motion.

On the asking of the Court, Mr. Sushil Bhardwaj, Addl. A.G. Haryana accepts notice on behalf of the respondent-State, who is not averse to the undertaking given by the petitioner that he will surrender before the trial Court.

In view of the above, the petitioner is directed to surrender before the trial Court within a period of two weeks 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/State shall be at liberty to move an appropriate application for revival of the instant petition.

There is no denial to the fact that due to petitioner's act, delay has occurred in trial proceedings and has caused prejudice to the other side and to compensate the delay which is caused by the petitioner alone, he is directed to deposit penalty of Rs.25,000/- with the **Punjab and Haryana High Court Bar Association Lawyer Family Welfare Fund** 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.



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The instant petition is disposed of in the aforesaid terms.

31.07.2025
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(SANDEEP MOUDGIL)
JUDGE

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