



CRM-M-44284-2025(O&M)

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

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CRM-M-44284-2025(O&M)

Date of decision : 18.08.2025

Sajan Kumar alias Sajan

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Gaganvir Singh Gill, Advocate, for the petitioner.

KIRTI SINGH, J. (Oral)

The present petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing the impugned order dated 28.03.2024 (Annexure P-4), passed by learned Additional Sessions Judge, Patiala, vide which bail of the petitioner has been cancelled and bail bonds/surety bonds of the petitioner have been forfeited to the State in case bearing FIR No.0129 dated 15.10.2022, under Sections 363 and 366-A IPC, registered at Police Station Kotwali Nabha, District Patiala.

2. Learned counsel for the petitioner submits that the petitioner was granted concession of bail in afore-stated FIR by the learned trial Court and he was regularly appearing before the trial Court. He further submits that on 28.03.2024, petitioner was informed by the counsel representing him before the learned Trial Court that his case was listed for hearing on that day and asked him to come present before the learned Court. The petitioner who was not aware of the actual date immediately made arrangements to reach the court premises and attend the hearing, however, it took some time



and by the time petitioner reached the court, the impugned order of even date was passed, whereby marking the petitioner as absent, his bail was cancelled and bail bonds forfeited, with non bailable warrants being issued against him. Learned counsel further submits that this is the first time the petitioner was absent during hearing and the petitioner is ready to appear before the trial Court and abide by all the terms and conditions as may be imposed upon him by the trial Court.

3. Notice of motion.

4. At asking of the Court, Ms. Guramrit Kaur, DAG, Punjab, accepts notice on behalf of respondent-State.

5. Heard.

6. The objective of the coercive mechanism prescribed under the Code of Criminal Procedure is to ensure that the accused remains present before the Court to receive the orders and punishments as are passed qua the accused. If the accused shows his sincere intention and desire to appear before the Court, then it would not be unjustified to protect him from being arrested.

7. On hearing learned counsel for the petitioner and perusing the record, it is apparent that the petitioner was granted bail by the trial Court, however, on his failure to appear only on one date of hearing i.e. 28.03.2024, his bail was cancelled and his bail bonds/surety bonds were forfeited to the State. The petitioner has submitted that he is ready to appear before the trial Court and face the trial.

8. This Court finds that no useful purpose will be served by sending the petitioner in custody when he was regularly appearing before the



trial Court, but failed to appear on the said date. However, it has been submitted that the petitioner is ready to appear before the learned Trial Court and seeks an opportunity for the same.

9. In view of the above, the present petition is allowed. Order dated 28.03.2024 (Annexure P-4) along with proceedings emanating therefrom are hereby set aside **subject to payment of cost of Rs.10,000/- by the petitioner to be deposited with the Poor Patient Welfare Fund, PGIMER Chandigarh** within one week from today. The petitioner after depositing the cost as stated above would appear before the trial Court within 10 days and file appropriate application along with receipt of payment of cost. The trial Court would release the petitioner on the same bail bonds and surety bonds. No coercive action would be taken against the petitioner till then. In case, the petitioner fails to appear before the trial Court within 10 days or fails to deposit the cost as stated above, this order would be of no avail to the petitioner.

10. Pending application(s), if any, shall also be disposed of accordingly.

(KIRTI SINGH)
JUDGE

18.08.2025
Kapil

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No