



CRM-M-48150-2024

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

CRM-M-48150-2024 (O&M)
Date of Decision: 13.01.2025

Akash

..... Petitioner

Versus

The State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Vikas Sharma, Advocate, for the petitioner.

Mr.Karunesh Kaushal, AAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for quashing of the impugned order dated 04.09.2024 (Annexure P-4), passed by learned Additional Sessions Judge, Hoshiarpur, vide which bail of the petitioner has been cancelled and his bail/surety bonds were forfeited to the State and now the petitioner has been summoned through non-bailable warrants in a case FIR No.82, dated 22.04.2018, registered under Sections 353, 332, 225, 186, 148, 149 IPC, at Police Station Garhshankar, District Hoshiarpur.

2. It has been contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case. He submits that earlier the petitioner was granted bail by learned trial Court vide order dated 20.06.2018 and thereafter, he faced the trial and convicted by the learned JMJC, Hoshiarpur. He submits that against the judgment of conviction, the petitioner filed appeal before learned Appellate Court and sentence of the petitioner was suspended vide order dated 01.08.2024 till the disposal of the appeal. He has further submitted that thereafter, the petitioner and his counsel inadvertently noted wrong date as 04.10.2024 instead of 04.09.2024 and thus, they could not appear before learned



Appellate Court, due to which on 04.09.2024, bail of the petitioner was cancelled and his bail/surety bonds were forfeited to the State and he was ordered to be summoned through non-bailable warrants. He submits that absence of the petitioner was totally unintentional and due to the circumstances beyond his control. He further submits that the petitioner is ready to appear before the trial Court and abide by all the terms and conditions, if any imposed by this Court.

3. Learned State counsel has opposed the submissions made by counsel for the petitioner. He has submitted that learned trial Court has rightly cancelled the bail of the petitioner, as he intentionally did not appear before it, on the date fixed.

4. After hearing learned counsel for the parties and perusing the record, it is evident that due to alleged noting of wrong date, the petitioner could not appear before the trial Court on 04.09.2024 and his bail was cancelled and his bail bonds/surety bonds were forfeited to the State and he was ordered to be summoned through non-bailable warrants. In these circumstances, when the petitioner is ready to join the trial and face the proceedings, the order dated 04.09.2024 is set aside subject to payment of Rs.5,000/- as costs to be paid to Sadhna Society for Mentally Handicapped, Near Housing Board Chowk, Raen Basera Building, Manimajra, Sector 13, Chandigarh by the petitioner within period of seven days from today.

5. The petitioner is directed to appear before the trial Court within a period of ten days from today and file an appropriate application alongwith receipt of costs and the trial Court would grant his bail till the disposal of the case on his furnishing fresh bail/surety bonds to its

satisfaction. The petitioner will have protection from arrest for a period of 10 days from today. The trial Court is free to impose any condition on the petitioner while admitting him to bail.

6. Needless to say that in case the petitioner fails to comply with the abovesaid direction, this order would be of no avail to him and the order dated 04.09.2024 will come in force and the present petition shall be deemed to have been dismissed.

7. Petition stands disposed of in abovesaid terms.

13.01.2025			(RAJESH BHARDWAJ)
sharmila			JUDGE
	Whether Speaking/Reasoned	:	Yes/No
	Whether Reportable	:	Yes/No