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

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Date of Decision: 16.09.2025

ASLAM AND ANOTHER

... PETITIONERS

VERSUS

STATE OF PUNJAB

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Mr. Imran Farooqi, Advocate
for the petitioners.

SUBHAS MEHLA, J. (ORAL)

The instant petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS, 2023') seeking quashing of impugned order dated 04.08.2025 passed by the Chief Judicial Magistrate, Malerkotla and all subsequent proceedings arising out of FIR No. 214 dated 15.10.2022 under Section 379 IPC registered at Police Station City-1, Malerkotla.

2. Learned counsel for the petitioners contends that the petitioners have been regularly appearing before the trial Court but only on 04.08.2025, they failed to appear before the trial Court due to sudden demise of a close relative. They also could not inform the counsel for their non-appearance. Consequently, non-bailable warrants were issued by the trial Court. But now they are ready and willing to join the proceedings and surrender before the



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trial Court.

3. Notice of motion.

4. Mr. Subhash Godara, Additional Advocate General, Punjab accepts notice on behalf of the respondent-State and submits that the petitioner has the remedy to raise all pleas before the Court below.

5. Faced with this, learned counsel for the petitioners does not object to the petition being disposed of but limits their prayer that they will surrender before the trial Court and prays that till then their arrest may be stayed. Learned counsel further prayed for issuance of direction to the trial Court *qua* disposal of bail application in a time bound manner, which would be filed before the trial Court.

In the light of the above, the present petition is hereby disposed of and the petitioners are directed to surrender themselves before the trial Court within a period of two weeks from today and in case they move any regular bail application, the same be decided by the Court concerned, in accordance with law expeditiously. Till then their arrest warrant in this case remains in abeyance. However, it is made clear that in case the petitioners fail to appear before the Court concerned, the relief granted by this Court shall be deemed to be withdrawn.

(SUBHAS MEHLA)
JUDGE

16.09.2025

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