



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

127

CRM-M-737-2025

Decided on : 10.01.2025

Hardeep Kumar Saini @ Bhola

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH**PRESENT:** Mr. Hitesh Kumar Sammi, Advocate
for the petitioner(s).

SANJAY VASHISTH, J. (Oral)

1. By way of present petition filed under Section 528 BNSS, petitioner is seeking quashing of order dated 30.10.2023 (Annexure P-2), whereby, bail granted to the petitioner is cancelled and non-bailable warrants of arrest has been issued on account of non-appearance on 30.10.2023 before the Court, in case FIR No. 178, dated 29.11.2019, under Sections 406 & 420 of IPC, registered at Police Station Chamkaur Sahib, Distt. Rupnagar.

2. Learned counsel for the petitioner submits that petitioner was regularly attending the proceedings before the learned Trial Court, but on 30.10.2023, due to some unavoidable circumstances, petitioner could not make appearance before the learned Trial Court, as his son was missing and his whereabouts were also not known and because of this, he was mentally disturbed.

3. Learned counsel further submits that the non-appearance of the petitioner before learned Trial Court was neither intentional nor deliberate, but due to some unavoidable circumstances, as explained in the present petition.

Besides, petitioner is having clean record and except present case, there is no

other case either registered or pending against him. Even the present case is also registered against the petitioner on account of false allegations and petitioner was already granted bail in present FIR case by the Court of learned Addl. Sessions Judge, Rupunagar. Petitioner was regularly attending the proceedings before the learned Trial Court since 18.01.2021 till 30.10.2023.

4. He further contends that, if one opportunity is granted to the petitioner to appear and then to grant him bail, subject to payment of some cost, he undertakes that in all the future proceedings of the present case, he will never be absent from the Court except on obtaining prior permission by the Court and will fully cooperate in the Court proceedings for early completion of trial.

5. Notice of motion.

6. On asking of the Court, Mr. Amandeep S. Samra, AAG, Punjab, who is present in Court, accepts notice on behalf of the respondent-State.

A copy of the complete paper book has been supplied to him by learned counsel for the petitioner.

7. Learned State counsel opposes the request of the petitioner, and submits that petitioner has willfully remained absent from the proceedings of learned Trial Court and thus, does not deserve any sympathy. Therefore, petitioner should be directed to surrender before the Court and to face trial.

8. I have heard learned counsel for the parties and perused the relevant material on record. It is evident that petitioner was regularly attending the proceedings before the learned Trial Court, and by way of present petition, he is seeking one chance to join the proceedings before the learned Trial Court, even on payment of some cost with certain conditions.

9. This Court is also of the view that paramount consideration of the Court is to secure presence of accused on each and every date for speeding up the trial for its final conclusion. Already Courts are flooded with so much

litigations, resulting in slow pace of work, because of more than one reason. The required energy and manpower be used for expediting the proceedings of the Court, instead of running after the accused persons to get hold of them.

10. Therefore, in the totality of circumstances, I am of the opinion that granting the petitioner an opportunity to appear before the trial Court, subject to the payment of Rs. 10,000/- as costs, to be deposited with the District Legal Services Authority, Rupnagar, would serve the ends of justice. This approach would also save considerable time, effort, and resources in ensuring the petitioner's presence.

11. Therefore, it is directed that if petitioner on his own appears before the learned trial Court on or before 20.01.2025, he would be released on bail subject to his furnishing fresh bail bonds/surety bonds to the satisfaction of the trial Court. Besides, petitioner would submit specific undertaking/affidavit that he will keep appearing during the proceedings of the trial in future and the proceedings would not be delayed because of his conduct.

12. In view of above, **the present petition is allowed.**

13. However, it is made clear that the bail order would be subject to the deposit of an amount of Rs.10,000/- with the District Legal Services Authority, Rupnagar.

14. Needless to mention here that on compliance of all the conditions mentioned here-in-above, impugned order dated 30.10.2023 (Annexure P-2) and the subsequent orders would become inoperative *qua* the petitioner.

(SANJAY VASHISTH)
JUDGE

January 10, 2025

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*