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

**CRM-M No.65612 of 2024
Date of decision : 14.01.2025**

Baljinder Singh @ Billa**.....Petitioner**

versus

State of Punjab**..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Saurav Bhatia, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed praying for quashing of order dated 08.10.2024 (Annexure P-4) passed by the Court of learned Additional Sessions Judge, District Gurdaspur in SC 68 of 2018 in case FIR No.99, dated 01.11.2015, Police Station Ghuman, District Gurdaspur (Police District Batala), under Sections 307, 506, 34 of IPC and Section 25 of Arms Act, 1959 (later on added Sections 379, 411 of IPC) along with all subsequent proceedings arising therefrom. Further prayer has been made for staying the operation of impugned order dated 08.10.2024 (Annexure P-4) till the pendency of the present petition.

2. It has been submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the FIR, however he was granted bail vide order dated 11.04.2018 but he could not furnish bail bonds as he was involved in other cases as well and was again released on



bail vide order dated 08.11.2021. He has submitted that the petitioner was duly appearing before the trial Court. He has submitted that due to miscommunication with the clerk of his counsel, the petitioner failed to appear only on one date i.e. 08.10.2024, then his bail was cancelled and his bail bonds/surety bonds were forfeited to the State. He has further submitted that nonailable warrants were issued against the petitioner. He has submitted that absence of the petitioner before the learned trial Court was neither intentional nor willful and he is ready and willing to appear before the trial Court.

3. Notice of motion.

4. On asking of the Court, Mr. Tarun Aggarwal, Sr. DAG, Punjab appears and accepts notice on behalf of the respondent-State. He has opposed the submissions made by learned counsel for the petitioner and has stated that the bail of the petitioner was rightly cancelled, who remained absent from the Court on the date fixed without any valid reason.

5. Status report dated 13.01.2025 by way of an affidavit of Harkrishan Singh, PPS, Deputy Superintendent of Police, Sub Division Sri Hargobindpur, Police District Batala on behalf of the respondent-State has been filed by learned State counsel today in the Court and the same is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.

6. After hearing counsel for the parties and perusing the record, it is apparent that the petitioner remained absent on one date i.e. 08.10.2024 and thus, his bail was cancelled and bail bonds/surety bonds were forfeited to the State. The reason for his absence has been given that

he had some miscommunication with the clerk of his counsel. As the petitioner is now keen to join the proceedings, so keeping in view the abovesaid facts, the present petition is disposed of and the impugned order dated 08.10.2024 (Annexure P-4) is hereby *set aside* subject to payment of costs of Rs.25,000/- to be deposited with the Day Care Centre for Elderly Disabled Home for Old & Destitute People, Sector 15, Chandigarh by the petitioner within one week from today. In case, the petitioner appears and surrenders before the Court concerned within a period of 10 days from today and files an application for bail alongwith receipt of abovesaid costs, the Court concerned is directed to admit him to bail subject to its satisfaction and proceed with the trial in accordance with law. He will have protection from arrest for a period of 10 days from today.

7. Needless to say that in case the petitioner fails to comply with the abovesaid direction, he will have no benefit of abovesaid protection granted by this Court and order under challenge dated 08.10.2024 would come in force and the present petition would be deemed to have been dismissed.

14.01.2025
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(RAJESH BHARDWAJ)
JUDGE

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