

CRM-M-5916-2025

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2025:PHHC:015537



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

**CRM-M-5916-2025
Date of Decision:03.02.2025**

IRFAN ALIAS IMRAN

....Petitioner

VERSUS

U.T. CHANDIGARH

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Sunil Kumar Rohilla, Advocate
 for the petitioner.

KARAMJIT SINGH, J. (Oral)

Present petition has been filed by the petitioner under Section 528 of BNSS, 2023 seeking quashing of order dated 10.12.2024 (Annexure P-5) passed by the Court of Judicial Magistrate First Class, Chandigarh vide which the bail bonds of the petitioner were cancelled and he was directed to be summoned through non-bailable warrants of arrest on account of absence of the petitioner before the trial Court in criminal case having FIR No.0025 dated 15.02.2020 registered under Sections 379 of IPC (Section 411 of IPC added later on) and Sections 25/54/59 of Arms Act at Police Station Central Sector-17, Chandigarh.

2. Counsel for the petitioner, *inter alia* submits that earlier the petitioner was granted regular bail by this Court vide order dated



08.03.2022 (Annexure P-2) and thereafter, the petitioner was regularly appearing before the Court concerned. Counsel for the petitioner further submits that due to noting down of wrong date, petitioner failed to attend the proceedings in the trial on 10.12.2024. The absence of the petitioner on that date before the trial Court was not intentional. It is further submitted that otherwise also it was single default on part of the petitioner which resulted into passing of impugned order dated 10.12.2024 (Annexure P-5) and the said order was passed by the trial Court in a hasty manner. Further the petitioner is ready and willing to join the proceedings before the trial Court at the earliest.

3. Notice of motion.

4. Mr. Rajiv Vij, Addl.P.P., U.T, Chandigarh accepts notice on behalf of U.T. Chandigarh and submits that no doubt the petitioner was granted regular bail vide order dated 08.03.2022 (Annexure P-2) but subsequently on 10.12.2024, the petitioner got absented without any intimation to the trial Court and resultantly, impugned order dated 10.12.2024 (Annexure P-5) was passed by the trial Court in accordance with law and that there is no illegality and perversity in the impugned order dated 10.12.2024 (Annexure P-5).

5. Apparently, it appears that this was single default on part of the petitioner when he got absented on 10.12.2024 and further the petitioner himself has come forward and has shown his willingness to join the proceedings before the trial Court at the earliest.



6. In light of the above, without expressing any opinion on the merits of the case, the present petition is hereby disposed of in order to avoid any further delay in the trial with direction to the petitioner to appear before the learned trial Court within next 10 days and on his doing so, the petitioner is directed to be released on regular bail by the said Court to its own satisfaction subject to cost of Rs.7,000/- to be deposited by the petitioner with District Legal Services Authority concerned.

7. Needless to say that the petitioner is to remain careful in future and should appear before the trial Court on each and every date of hearing in trial.

03.02.2025

Priyanka Thakur

(KARAMJIT SINGH)
JUDGE

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