



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

CRM-M-24894-2025 (O&M)

Date of Decision: 07.05.2025

Ashok Masih

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Simranjeet Singh, Advocate, for the petitioner
(through VC).

Rajesh Bhardwaj, J. (ORAL)

CRM-18861-2025

Allowed as prayed for.

Main case

1. Prayer in the present petition is for quashing of the order dated 10.01.2024 (Annexure P-3) passed by learned SDJM, Jagraon in a case FIR No.74 dated 23.04.2019 under Sections 279/337/338/427 IPC at Police Station Sadar Jagraon, District Ludhiana, vide which bail of the petitioner was cancelled, his bail bonds and surety bonds were forfeited and non-bailable warrants were issued against the petitioner.

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 the petitioner was granted bail by learned trial Court vide order dated 09.03.2021 and thereafter, he was regularly appearing before the trial Court. He submits that as the petitioner was not well, he could not appear before the Court, due to which his bail was cancelled and his bail/surety bonds were forfeited to the State and he was ordered to be summoned through



non-bailable warrants vide order dated 10.01.2024. He further submits that even otherwise, matter has been compromised between the parties and a petition for quashing the FIR on the basis of the compromise has already been filed, which is pending adjudication. 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. Notice of motion.

4. Mr. Tarun Aggarwal, Addl. A.G., Punjab accepts notice on behalf of the State and 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.

5. After hearing learned counsel for the parties and perusing the record, it is evident that due to non-appearance of the petitioner on 10.01.2024, 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. The reason for non-appearance before the Court on the date fixed, as given by the petitioner is that he was not well. The Court without going into the authenticity of the ground taken for the absence of the petitioner, deems it appropriate to direct the petitioner to appear the Court concerned to face the trial in the present case. In these circumstances, when the petitioner is ready to join the trial and face the proceedings, the order dated 10.01.2024 is set aside subject to payment of Rs.10,000/- as



costs to be paid to the **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.

6. 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 abovesaid costs and the trial Court would grant him 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.

7. 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 10.01.2024 will come in force and the present petition shall be deemed to have been dismissed.

8. Petition stands disposed of in abovesaid terms.

07.05.2025

sharmila

Whether Speaking/Reasoned

Whether Reportable

:

:

**(RAJESH BHARDWAJ)
JUDGE**

Yes/No

Yes/No