



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

CRM-M-238-2025
Date of decision: 09.01.2025

Khushbaj Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. B.S. Aulakh, Advocate for the petitioner.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 528 of BNSS seeking setting aside of order dated 11.11.2024 passed by the Court of Judicial Magistrate Ist Class, Malout, District Sri Muktsar Sahib, vide which the bail order of the petitioner was cancelled and he was directed to be summoned through nonailable warrants of arrest in a criminal case having FIR No.215 dated 29.07.2020, Police Station Lambi, District Sri Muktsar Sahib, on account of his absence before the trial Court on the date fixed.

2. Counsel appearing on behalf of the petitioner inter alia submits that the petitioner who was arrested in aforesaid criminal case was granted regular bail by the Court concerned in August 2020 and thereafter, the petitioner was appearing before the trial Court on each and every date of hearing. However, the petitioner had forgotten the date fixed in the trial i.e. 11.11.2024 and thus, failed to appear on that date in the trial proceedings. It is further submitted that the absence of the petitioner before the trial Court on the relevant date was not intentional and this was single default on the part of the petitioner. It is further submitted that petitioner is ready and willing to join the proceedings in the trial at the earliest.



3. Notice of motion.
4. Mr. J.S. Dhaliwal, AAG, Punjab, accepts notice on behalf of the State and submits that the petitioner got absented in the trial on 11.11.2024, without any intimation to the Court concerned. On this, the trial Court further proceeded in the case and cancelled the bail/surety bonds of the petitioner and gave direction to summon him through nonailable warrants of arrest vide order dated 11.11.2024. It is further submitted that there is no illegality or perversity in the said order.
5. In view of the fact that the petitioner has shown his readiness and willingness to join the trial proceedings at the earliest in order to avoid any further delay in the trial and the fact that this was single default on the part of the petitioner, the present petition is hereby disposed of in the interest of justice and the petitioner is hereby directed to join proceedings before the trial Court within next two weeks and on his doing so, the petitioner is to be released on regular bail by the Court concerned to its own satisfaction and subject to cost of Rs.5,000/- to be deposited by the petitioner with the District Legal Services Authority concerned.
6. Disposed of in aforesaid terms.
7. Needless to say that the petitioner has to remain careful in future and shall appear in the trial proceedings on each and every date of hearing fixed in the trial.

09.01.2025

Yogesh

**(KARAMJIT SINGH)
JUDGE**

**Whether speaking/reasoned:-
Whether reportable:-**

**Yes/No
Yes/No**