



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

CRM-M-38879-2025

Date of Decision:23.07.2025

Mithan Kumar and Anr.

...Petitioners

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Harnanak Singh, Advocate for
Mr. Avtar Singh Bhatti, Advocate
for the petitioner.

N.S.Shekhawat J. (Oral)

1. The petitioners have filed the present petition under Section 528 of B.N.S.S with a prayer to quash the impugned order dated 07.04.2025 (Annexure P-2) passed by the Court of Additional Sessions Judge, Hoshiarpur, whereby the bail of the petitioners were cancelled and the bail bonds and surety bonds were ordered to be forfeited to the State and the petitioners were ordered to be summoned through non-bailable warrants of arrest.

2. Learned counsel for the petitioners contends that the petitioners were arrested in the present case on 03.01.2021 and thereafter, they were ordered to be released on bail. He further contends that the petitioners were regularly appearing before the Trial Court, however, due to noting of wrong date, they could not appear before the Trial Court on 07.04.2025. He further contends that the act of non-appearance on the part of the present petitioners was unintentional and they are ready to surrender before the Court and shall join

the trial proceedings. He further contends that the petitioners shall appear on each and every date of hearing, before the Trial Court and shall not absent themselves during the Court proceedings.

3. Notice of motion.

4. Mr. M.S. Bajwa, DAG, Punjab, who is present in the Court, accepts notice on behalf of respondent-State.

5. Learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioners on the ground that the petitioners had not appeared intentionally before the Trial Court and there is no illegality in the impugned order passed by the Court below and the petitioner does not deserve the concession of bail.

6. I have heard the learned counsel for the parties and perused the record carefully.

7. From a perusal of the record, it is apparent that the Trial Court has rightly cancelled the bail in the present case and there is no illegality in the impugned order passed by the Trial Court. However, due to noting of wrong date, the petitioners could not appear before the Trial Court on 07.04.2025. Thus, taking a lenient view of the matter, the petitioners are permitted to surrender before the Trial Court/Duty Magistrate within a period of two weeks from today and on their surrender, they shall be admitted to bail subject to furnishing bail bonds and surety to the satisfaction of the concerned Court.

8. At the time of furnishing of bail bonds, the petitioners shall also file an affidavit before the concerned Court that they shall continue to appear before the Court on each and every date of hearing and shall not absent themselves during the Court proceedings, except with prior permission of the

Court.

9. The Trial Court/Duty Magistrate shall also be at liberty to impose any other conditions, as it deems fit in the peculiar facts and circumstances of case.

10. The petition stands allowed in the above terms.

23.07.2025
hitesh

(N.S.SHEKHAWAT)
JUDGE

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