

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

129

CRM-M-28947-2025
DATE OF DECISION: 26.05.2025

GURDARSHAN SINGH

...PETITIONER

Versus

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Saksham Dudeja, Advocate for the petitioner(s).

Mr. J.S. Rattu, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) praying for quashing of Order dated 03.12.2024 passed by Addl Sessions Judge, Ludhiana whereby ordering the cancellation of the bail bond and forfeiting surety bond to the State, non bailable warrants have been issued against the petitioner in First Information Report No. 0018 dated 17.02.2024 under Section 399 402 of the Indian Penal Code, 1860 registered with Police Dakha District Ludhiana rural, Punjab annexed as (Annexure P-4).

Learned counsel for the petitioner submits the petitioner could not appear in Court on one date i.e. 03.12.2024 as he has wrongly noted the next date of hearing as 23.12.2024 instead of 03.12.2024, therefore, the Trial Court cancelled the bail of the petitioner and issued non-bailable warrants of arrest. He submits that the petitioner did not

had any intention to avoid attendance in the Court proceedings otherwise he was appearing regularly on each and every date before the Court. He undertakes that the petitioner will surrender before the trial Court and shall join the trial proceedings without any delay or default in future.

Notice of motion.

On the asking of the Court, learned State Counsel accepts notice on behalf of the respondent-State, who is not averse to the undertaking given by the petitioner that he will surrender before the trial Court.

Considering the submissions made by learned counsel and also in appreciation of the fact that it will only speed up the proceedings before the Trial Court which is one of the essence as enshrined under Article 21 of the Constitution of India, the petitioner is directed to surrender before the trial Court within a period of 10 days from today and apply for regular bail.

In case, such an application for bail is moved by the petitioner before the learned trial Court, the same shall be considered on the same date and decided in accordance with law.

However, it is made clear that in case the petitioner does not abide by the aforesaid undertaking, the respondent/State shall be at liberty to move an appropriate application for revival of the instant petition.

The aforesaid order/concession to the petitioner shall be subject to payment of Rs.5,000/- as compensatory penalty to be deposited with the Punjab and Haryana High Court Employees' Welfare



Association and a receipt of the same be produced before the Trial Court and only in that eventuality, application of the petitioner for seeking bail be considered and decided on the same day in accordance with law.

The amount so deposited by the petitioner shall not be construed as cost for this order but compensatory penalty for stalling the court proceedings by evading himself from trial for a long time.

The instant petition is disposed of in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

26.05.2025
anuradha

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