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

**CRM-M-13859-2025**

**Date of Decision: 18.03.2025**

Captain Singh alias Kali

...Petitioner

vs.

State of Punjab

...Respondent

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

Present : Mr. Dixit Garg, Advocate  
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

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**N.S.Shekhawat J. (Oral)**

1. The petitioner has filed the present petition under Section 528 of BNSS with a prayer to quash the impugned order dated 15.01.2025 (Annexure P-5), passed by the Court of Additional District and Sessions Judge, Amritsar in case FIR No.192, dated 13.10.2022 (Annexure P-1) under Section 379-B(2) of IPC (Sections 411 and 120-B IPC added later on) and Sections 25 and 27 of Arms Act, registered at Police Station Ranjit Avenue, District Police Commissionerate, Amritsar, whereby, the bail granted to the petitioner was ordered to be cancelled and bail bonds and surety bonds were ordered to be forfeited to the State and non-bailable warrants were issued against the petitioner.

2. Learned counsel for the petitioner contends that the petitioner was falsely involved in the above mentioned FIR, which was initially registered on 13.10.2022. Thereafter, the petitioner was arrested and vide order dated 04.09.2023 (Annexure P-2), he was granted the benefit of regular bail by this

Court. Thereafter, the petitioner was regularly appearing before the trial Court on each and every date of hearing. On 15.01.2025, the counsel for the petitioner had moved an application for exemption from personal appearance. However, the trial Court wrongly cancelled the bail and the bail bonds and surety bonds were ordered to be forfeited to State. He further contends that in fact, the petitioner is undergoing treatment in the drug de-addiction centre and due to the said fact, he could not appear before the trial Court on 15.01.2025.

3. Notice of motion.

4. Mr.M.S.Bajwa, Deputy Advocate General, Punjab, has appeared on behalf of the respondent-State and opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner and his co-accused are making every possible efforts to delay the trial proceedings. In fact, from a perusal of the various zimni orders (Annexure P-3) passed by the trial Court that the petitioner had repeatedly moved applications for exemption from personal appearance, just with the sole intention of slowing the trial before the trial Court and he does not deserve any leniency in the present case.

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

6. From various zimni orders (Annexure P-3), it is apparent that the petitioner had moved several applications for grant of exemption from personal appearance, which were allowed by the trial Court from time to time. However, this Court cannot lose sight of the fact that due to such applications, the trial before the trial Court has been unreasonably delayed. Even, co-accused Lakhwinder Singh also moved an application for exemption from personal appearance before the trial Court. Thus, such conduct of the petitioner lacks bonafide and cannot be taken lightly. However, on 15.01.2025, the petitioner

was admitted in drug de-addiction centre for his treatment, consequently, taking a lenient view of the matter, the petitioner is permitted to surrender before the Trial Court/Duty Magistrate within a period of two weeks from today and on his surrender, he shall be admitted to bail subject to furnishing bail bonds and surety to the satisfaction of the concerned Court. However, the petitioner shall also deposit a sum of Rs.50,000/- as cost, which shall be deposited with ***Punjab and Haryana High Court Bar Clerks Association.***

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

8. 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.

9. The petition stands allowed in the above terms.

10. In case, the cost is not deposited by the petitioner, the present petition shall be deemed to be dismissed.

**18.03.2025**  
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**(N.S.SHEKHAWAT)**  
**JUDGE**

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