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

CRM-M-21043-2015 (O&M)

Date of decision : 22.07.2015.

Dinesh Kumar

..... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. R.S. Rai, Senior Advocate with
Mr. Narender Yadav, Advocate for applicant-petitioner.

Mr. RS Doon, AAG, Haryana for respondent No.1.

Mr. N.S. Shekhawat, Advocate for respondent No.2.

DARSHAN SINGH, J. (Oral)

CRM-22734-2015

This is an application filed on behalf of the petitioner for placing on record rejoinder to the reply filed by complainant.

The application is allowed and the rejoinder is taken on record.

CRM-M-21043-2015

Learned Senior Advocate for the petitioner states that the present petition may be disposed of with a modification in the impugned order dated 30.05.2015, passed by learned Chief Judicial Magistrate, Kurukshetra to the effect that the condition of two adjournments may be of some fixed duration. He contended that the trial Court may give adjournments for 7 or say 10 days. In that case, it will be difficult for the petitioner to come back and again go to Germany.

Learned State counsel also pointed out that in case of default the surety amount should go to the State and not to the complainant.

Mr. N.S. Shekhawat, Advocate for respondent No.2 has also not opposed these proposals. He has also agreed that the adjournment should be of reasonable time and in case of default, the surety amount may be ordered to be forfeited to the State of Haryana.

In view of consensus between learned counsel for the parties, the present petition is hereby disposed of with the modifications in the impugned order dated 30.05.2015 to this extent that the forfeiture clause will be applicable only if the petitioner absents from the proceedings before the trial Court for two adjournments running into two months but not more than three months in total and in case of default, the surety amount shall be forfeited in favour of State of Haryana.

22.07.2015
sunil yadav

(DARSHAN SINGH)
JUDGE