

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-40418 of 2017

Date of decision:27.10.2017

Jakir and another

...Petitioners

v.

State of Haryana

...Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

.....

Present: Mr. Sarfraj Hussain, Advocate for the petitioners.

.....

Inderjit Singh, J.

The petitioners have filed this petition under Section 482 Cr.P.C. for quashing of order dated 4.7.2017 passed by learned Sessions Judge, Mewat in FIR No.186 dated 20.8.2016 registered for the offences under Section 489-B and 489-C IPC at Police Station Ferozepur Jhirka, District Mewat, vide which the bail bonds and bonds executed by the sureties stand cancelled and forfeited.

I have heard learned counsel for the petitioner and have gone through the record.

From the record, I find that during the pendency of the trial both these accused absented from the proceedings and an application was filed by defence counsel seeking exemption from personal appearance on the ground that the accused could not come present before the Court

because due to mechanical fault in their motorcycle nearby Neemka Thana, Distt. Seeker, Rajasthan they could not reach the Court. The trial Court adjourned the case till 2.00 p.m. for appearance of the accused, but the accused had not come present till 2.00 p.m. The Court in the circumstances dismissed the exemption application and bail bonds and bonds executed by sureties of the accused were cancelled and forfeited to the State and non-bailable warrants of the accused and notices to their sureties were issued.

At the time of arguments, learned counsel for the petitioners has not pointed out as to what illegality has been committed by the Court below. Learned counsel for the petitioners argued that the application of the accused for their personal exemption had been dismissed. On this ground, I find that firstly an application had been filed by the defence counsel that due to mechanical fault in the motorcycle of the accused near Police Station Neemka, when they were coming to the Court, the accused could not come present. The Court below taking in view these circumstances put the case at 2.00 p.m. Till now, no explanation or reason was given as to why the accused could not appear till 2.00 p.m. if they were coming to the Court and there was some mechanical fault in their motorcycle. The order passed by the learned trial Court is correct as per evidence and law. There is no ground for quashing of the impugned order dated 4.7.2017.

Therefore, finding no merit in this petition, the same is dismissed.

October 27, 2017.

(Inderjit Singh)
Judge

hsp

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