

CRM-M-51097-2018 (O&M)

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

CRM-M-51097-2018 (O&M)

Date of Decision: 21.11.2018

Gaurav Kapoor

Petitioner

Versus

State of Haryana

Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Hemant Bassi, Advocate
for the petitioner.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 482 Cr.P.C. praying for setting aside the order dated 31.10.2018 passed by Learned Additional Sessions Judge, Fatehabad in the trial emanating from the case FIR No. 190 dated 29.04.2017 under Sections 120-B, 376-D, 506 IPC registered at Police Station City Tohana, District Fatehabad.

Learned counsel for the petitioner herein contends that he has been appearing regularly on each and every date but however due to unforeseen circumstances i.e. of falling ill, he was not able to appear in the trial Court on 31.10.2018, on which date on this account only his bail bonds had been canceled and warrants of arrest have been issued. It is contended that non appearance on his part only happened on account of the fact that he could not appear as he was suffering from high fever. It is also argued that no effective hearings were taking place on account of the fact that the matter was pending in the High Court in CRM-M-35197-2018 which came to be decided only on 15.11.2018.

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Notice of motion.

On asking of Court, Mr. P.P. Chahar, DAG, Haryana, who is present in Court accepts notice on behalf of respondent-State. Let sufficient number of copies be supplied to him during the course of the day.

Learned counsel for the respondent-State submits that the bail has rightly been canceled on account of the fact that the petitioner did not put in an appearance in the court.

I have heard learned counsel for both the parties and have perused the pleadings and in view of this, I am inclined to set aside the order dated 31.10.2018 passed by Addl. Sessions Judge, Fatehabad, by which the bail bonds of the petitioner have been cancelled. From the perusal of the zimni orders, it appears that the petitioner had been putting in an appearance on each and every hearing. The proceedings have not been delayed as the matter was pending in the High Court.

In view of above, petitioner is directed to appear before the trial Court and in the event of his appearance, trial Court shall admit him on bail on furnishing requisite bail bonds/surety bonds and the trial Court is directed to accept his fresh bail bonds and if so inclined is allowed to impose a higher surety.

Petition stands disposed of.

November 21, 2018

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**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes
Yes/No