

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

CRM-M-7298-2020  
Decided on : 19.02.2020

Azad

..... Petitioner

Versus

State of Haryana & ors.

..... Respondents

**CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present : Mr. Mazlish Khan, Advocate  
for the petitioner.

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**Manjari Nehru Kaul, J.**

Instant petition has been filed under Section 482 Cr.PC to set aside the order dated 13.01.2020 passed by Addl. Sessions Judge, Nuh in case No.SC-76-2018 and FIR No.251 dated 28.06.2017 registered under Sections 323, 452, 354-B, 34 IPC and Section 3 of SC/ST Act at Police Station Tauru, District Nuh.

Learned counsel for the petitioner has submitted that the petitioner, who was on bail, had been regularly appearing on each and every date before the Court below. In support thereof, he has placed reliance on zimni orders i.e. Annexures P-1 and P-2 wherein presence of the petitioner as well as his counsel stands reflected. It has been further submitted that a perusal of zimni order dated 24.09.2019 reveals that the Court below had adjourned the matter for 30.11.2019, however, when the petitioner presented himself before the Court on 30.11.2019, it came as a shock to him that the matter had already been taken up on 25.11.2019 and thereafter,

adjourned to 14.01.2020. In support thereof, he has placed reliance on zimni order dated 25.11.2019 and the cause list dated 30.11.2019(Annexure P-3). When the petitioner appeared before the Court on 14.01.2020, it came to his knowledge that the matter had been taken up a day earlier i.e. on 13.01.2020 and since, the petitioner as well as his counsel were not present, the bail of the petitioner was cancelled and non-bailable warrants were issued against him for 17.02.2020. It is thus, urged that the learned Court below gravely erred in taking up the matter on 13.01.2020 i.e. before the actual adjourned date which was 14.01.2020 without any intimation or prior notice to the petitioner about the change of date. It has been thus, submitted that in view of the above, the absence of the petitioner before the Court below was unintentional and prayer is therefore, made that the impugned order cancelling his bail bonds and issuance of non-bailable warrants against the petitioner be set aside.

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

A perusal of Annexure P-3 clearly reveals that the case had been adjourned to 14.01.2020. Not only this, the cause list, which has been annexed also reveals that the matter stood adjourned to 14.01.2020. However, Annexure P-4 reveals that the matter was taken up on 13.01.2020, a day prior to the date fixed and the impugned order cancelling the bail bonds and issuance of non-bailable warrants were passed against the petitioner.

Keeping in view the facts and circumstances of the case, the impugned order dated 13.01.2020 is set aside and the present petition stands

allowed. Petitioner is directed to appear the trial Court within a period of one week and on his appearance, the petitioner shall be admitted to bail on his furnishing bail bonds to the satisfaction of the trial Court. However, it is made clear that in case the petitioner fails to surrender before the trial Court, as directed this order will be of no avail to him. No coercive steps be taken against the petitioner till his appearance before the trial Court.

**(MANJARI NEHRU KAUL)**  
**JUDGE**

19.02.2020  
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|----------------------------|--------|
| Whether speaking/reasoned: | Yes/No |
| Whether reportable :       | Yes/No |