

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

114

CRM-M-2334-2021.

Date of Decision: 18.01.2021.

Deepak Kumar

....Petitioner.

Versus

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. G.C. Shahpuri, Advocate for the petitioner.

Lalit Batra, J.(Oral)

This petition under Section 482 Cr.P.C. has been moved impugning the legality of order dated 23.12.2020 (Annexure P/5) rendered by Judicial Magistrate Ist Class, Jagadhri, in terms of which, regular bail granted to petitioner by Additional Sessions Judge, Yamuna Nagar at Jagadhri has been cancelled on account of his non-appearance in case FIR No.303 dated 24.08.2020 under Sections 376, 452 and 511 IPC read with Section 34 IPC, registered at Police Station Sadar Yamuna Nagar, District Yamuna Nagar, and, thus, his presence is being secured through warrant of arrest.

Learned counsel for the petitioner *inter alia* contends that vide order dated 11.12.2020 (Annexure P/2) passed by Additional Sessions Judge (Exclusive Court for Heinous Crime against Women), Yamuna Nagar at Jagadhri, the petitioner was granted regular bail. He further submits that on 14.12.2020, petitioner while on bail had put in appearance before Judicial

supplied to him as envisaged under Section 207 Cr.P.C. and the case was adjourned to 23.12.2020 for checking of copies of challan, as is evident from copy of order dated 14.12.2020 (Annexure P/4). He further submits that on account of Covid-19, petitioner could not appear before the above said Court on 23.12.2020 and as such after cancellation of his bail, his bail bond and surety bond were forfeited to the State, as is evident from copy of order dated 23.12.2020 (Annexure P/5). He further submits that petitioner is willing to surrender before the Court concerned.

Notice of motion.

At the asking of Court, Mr. Rupinder Singh Jhand, Additional Advocate General, Haryana, accepts notice on behalf of respondent-State. Complete copy of paperbook has been supplied to him.

In view of above, instant petition is disposed of in the manner that petitioner (accused) shall surrender before Court concerned within three days positively and on surrender, he shall be enlarged on bail in the case FIR, as detailed above, on his furnishing personal/ surety bonds to the satisfaction of Court concerned. Meanwhile, no coercive steps shall be initiated against the petitioner in pursuant to warrant of arrest already issued against him.

(LALIT BATRA)
JUDGE

18.01.2021

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Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No