

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

Sr. No.230

CRM-M-32956-2021

Date of decision: 23.11.2021

Jitesh @ Jeetu and others

....Petitioners

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Ms. Shanika Khurmi, Advocate
for the petitioners.

Mr. Rahul Mohan, DAG, Haryana.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 482 Cr.P.C. for quashing the order dated 13.07.2021 passed by the Additional Sessions Judge, Gurugram through which for non-appearance of the petitioners their bail was cancelled and their bail bonds forfeited.

On 16.08.2021, while issuing notice, this Court had passed the following order:-

“The matter has been taken up through video conferencing.

Learned counsel for the petitioners inter alia contends that as per the order dated 30.06.2021 passed by the District & Sessions Judge, Gurugram all matters on which accused were on bail were not to be taken up for hearing due to COVID-19; the petitioners being on bail, were under a bonafide belief that under the afore referred order their trial would not be taken up for hearing and therefore did not appear before the Trial Court on

13.07.2021; since this was the first instance when the petitioners had failed to appear in their trial, the Trial Court should have initially resorted to issuance of bailable warrants and not straightway issue non-bailable warrants and that in the future the petitioners shall appear before the Trial Court on each and every date of their trial unless exempted through a specific order.

Notice of motion for 23.11.2021.

In the meanwhile, subject to the petitioners appearing before the Trial Court on the next date fixed before it they shall be admitted to ad interim bail to the Trial Court's satisfaction.”

Learned State counsel submits that in pursuance to the afore-quoted order, the petitioners have shown their bona fides by appearing before the Trial Court and that on such appearance, the Trial Court has also admitted them to ad-interim bail.

In view of the above, the present petition is allowed to the extent of quashing the order of the Trial Court dated 13.07.2021 with regard to cancellation of the petitioners' bail and forfeiture of their bail bonds with a further direction that the petitioners shall appear now before the Trial Court on each and every date in their trial, unless exempted through a specific order.

November 23, 2021
Jyoti 1

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No