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

CRM-M-47404-2021 (O&M)

Date of Decision: 23.11.2021

Rohit @ Bhoran

..... Petitioner

Versus

State of Haryana

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Rakesh Gupta, Advocate,
for the applicant/petitioner.

SUDIP AHLUWALIA, J. (ORAL)

CRM-39582-2021

Applicant-petitioner is permitted to place on record the documents/copies of zimni orders as Annexures P-7 to P-11.

Application stands disposed off.

CRM-M-47404-2021

Notice of motion.

[2]. Mr. Anmol Malik, Deputy Advocate General, Haryana to accept notice on behalf of the respondent. Let a copy of the Paper-book be supplied to him.

[3]. In this petition, the petitioner has challenged the order dated 29.09.2021 passed by the Ld. Additional Sessions Judge, Ambala (Annexure P-6) in case FIR No.259 dated 04.08.2019 registered under Sections 148, 149, 323, 325, 365, 397 & 506 of the IPC and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Police Station Naraingarh, District Ambala.

[4]. Contention of the petitioner is that he was all along diligent in attending the Court proceedings while on bail. However, due to *bona fide* mistake in noting down the date of appearance in the Ld. Trial Court, the petitioner was absent on a solitary date (29.09.2021). In support of this contention, he has placed on record copies of the last five zimni orders passed by the Ld. Trial Court prior to the aforesaid date, in compliance of the direction of a Co-ordinate Bench of this Court passed on 11.11.2021.

[5]. Perusal of the zimni orders (Annexures P-7 to P-11) goes to reveal that on all the five previous dates there was no instance of failure in appearance on behalf of the petitioner, and this submission in this regard is, therefore, also appears to be justified.

[6]. Consequently, the present petition is allowed after setting aside the impugned order passed by the Ld. Additional Sessions Judge, Ambala on 29.09.2021 (Annexure P-6) with liberty to the petitioner to surrender before the Ld. Trial Court within a week from today, after which he may be admitted to fresh bail by the said Court/Duty Magistrate concerned.

23.11.2021

Bhumika

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes/No

2. Whether reportable: Yes/No