

CRM-M-39786 of 2021

:1:

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

247

CRM-M-39786 of 2021

Date of Decision: December 02, 2022

AKSHAY

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Narender Kaajla, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

AMAN CHAUDHARY, J.

The present petition under Section 482 of the Cr.P.C. has been for quashing the impugned order dated 26.08.2021 (Annexure P-5), passed by Additional Sessions Judge, Hisar, whereby the bail order of the petitioner was cancelled, and bail bonds and surety bonds were forfeited to the State.

Learned counsel submits that the petitioner was unable to appear only on one date i.e.26.08.2021, on account of being unwell. The application filed by his counsel for exemption from personal appearance having not been accepted, the bail bonds were rejected. The aforesaid reason was found to be justified and he was directed vide order dated 27.09.2021 passed by this Court to appear before the trial Court.

In pursuance to the aforesaid order, he had appeared before the trial Court on 19.10.2021, on which date charge was framed and case was adjourned for evidence of prosecution. He thus prays that the impugned order dated 26.08.2021 be set aside.

Learned State counsel opposes the same and submits the impugned order has been rightly passed by the learned trial Court as the petitioner had absented.

The explanation offered by the petitioner for his non-appearance in this case before the trial Court seems to be justified. Moreover, the very purpose of issuance of non-bailable warrants, is to compel and secure the presence of the accused to face trial and establish the rule of law so as to ensure finalization of the proceedings.

Keeping in view the fact that pursuant to the direction passed by this Court on 27.09.2021, the petitioner having surrendered before the trial Court and had joined the proceedings, the impugned order dated 26.08.2021, Annexure P-5, is set aside.

Disposed of.

December 02, 2022

Rimpal

**(AMAN CHAUDHARY)
JUDGE**

Whether reasoned/speaking:	Yes/No
Whether reportable:	Yes/No