

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

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**CRM-M-37338-2022 (O&M)
Decided on : 30.08.2022**

Navjit Singh

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Mohit Sadana, Advocate
for the petitioner(s).

Mr. Vikas Bhardwaj, AAG, Haryana.

SANJAY VASHISTH, J. (Oral)

CRM-31645-2022

This is an application filed under Section 482 Cr.P.C., for pre-poning the date of hearing in the main case from 29.09.2022 to an early date.

Notice of this application.

Mr. Vikas Bhardwaj, AAG, Haryana, who is present in Court, accepts notice on behalf of the non-applicant/respondent-State.

Learned counsel for the applicant-petitioner submits that tomorrow is the date fixed before the learned trial Court and the applicant-petitioner may be declared proclaimed offender. Therefore, request of the applicant-petitioner is to pre-pone the date of hearing in the main case from 29.09.2022 to today itself.

Learned State counsel has not opposed the submissions made by counsel for the applicant-petitioner.

Accordingly, the present application is allowed and date of hearing in the main case is pre-poned from 29.09.2022 to today itself and main case is taken up on Board for hearing today itself.

CRM-31646-2022

This is an application filed under Section 482 Cr.P.C., for placing on record Annexure P-5 (zimni orders passed by learned trial Court).

Application is allowed and Annexure P-5 filed along with the application is taken on record, subject to all just exceptions. Registry to tag the same at appropriate place in the case file.

CRM-M-37338-2022

By way of present petition filed under Section 482 Cr.P.C., petitioner is seeking quashing of order dated 18.08.2021, passed by learned JMIC, Fatehabad (Annexure P-3), in case FIR No.410, dated 18.08.2016, under Sections 279, 338 & 427 of IPC, registered at Police Station Sadar Fatehabad, District Fatehabad (Annexure P-1), and all subsequent proceedings arising out of the aforesaid order.

While referring the contents of paragraph 5 of the petition, learned counsel for the petitioner has submitted that during the days, when the matter was fixed before the learned trial Court on 18.08.2021, the petitioner was down with fever during the peak of pandemic COVID-19. In support of his submissions, one medical certificate dated 25.08.2021 of Mehta Hospital, has been attached with the petition as Annexure P-2.

In rebuttal, learned State counsel submits that the ground taken by the petitioner is not true because present petition has been filed after a gap of about one year of causing absence from the trial Court. Learned State counsel further argues that had *bona fides* of the petitioner been cleared, he would have surrendered on or before the next date of hearing after 18.08.2021.

Be that as it may, paramount consideration of the Court is to

secure presence of accused on each and every date for speeding up the trial for its final conclusion. Already Courts are flooded with so much litigations, resulting in slow pace of work, because of more than one reason.

After considering the submissions and circumstances in totality, I am of the view that if petitioner is given one chance to appear before the trial Court, subject to payment of Rs.25,000/- as costs, to be deposited with the District Legal Services Authority, Fatehabad, then purpose of securing his presence would be served and lot of exercise, time and energy can be saved. Therefore, it is directed that if petitioner on his own appears before the learned trial Court on the next date of hearing, he would be released on bail subject to his furnishing fresh bail bonds/surety bonds to the satisfaction of the trial Court. Besides, petitioner would submit specific undertaking/affidavit that he will keep appearing during the proceedings of the trial in future and the proceedings would not be delayed because of his conduct.

In view of above, the present petition is allowed. However, it is made clear that the bail order would be subject to the deposit of the receipt of an amount of Rs.25,000/- to be deposited with the District Legal Services Authority, Fatehabad.

(SANJAY VASHISTH)
JUDGE

August 30, 2022

J.Ram

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*