

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

**CRM-M No.38326 of 2022
Date of Decision: 26.08.2022**

Nitesh

.....Petitioner.

Versus

State of Haryana

.....Respondent.

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Prashant Singh Chauhan, Advocate
for the petitioner.

MEENAKSHI I. MEHTA, J.(Oral)

By way of the instant petition, the petitioner has invoked the jurisdiction of this Court under Section 482 Cr.PC for seeking the quashing of the order dated 30.03.2022 (Annexure P-2) passed by learned Additional Sessions Judge, Rewari (for short, 'the trial Court') in the criminal case arisen out of the FIR bearing No.334 dated 28.08.2021 registered at Police Station City Rewari, District Rewari, under Sections 195-A and 506 IPC as well as Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby his bail has been cancelled and the bail bonds have been ordered to be forfeited to the State and non-bailable warrants have also been issued against him.

2. I have heard learned counsel for the petitioner, at the preliminary stage, in this petition and have also perused the file carefully.

3. Learned counsel for the petitioner contends that the petitioner could not appear in the trial Court on 30.03.2022 because he had noted the

wrong date of hearing in the case and therefore, his absence from the Court on that day was not an intentional one. To buttress his contention, he has placed reliance upon the orders passed by the Co-ordinate Benches on 17.08.2022 in **CRM-M No.36186 of 2022** titled as **Vishal Seth Versus State of Punjab** and on 06.08.2022 in **CRM-M No.34332 of 2022** titled as **Jogender @ Joginder Versus State of Haryana** and the judgement dated 13.01.2020 handed down by the Co-ordinate Bench in **CRM-M No.928 of 2020** titled as **Kamaljit Singh @ Sonu Versus State of Punjab**.

4. However, I do not find the afore-raised contention to be tenable at all because the ground regarding the petitioner having noted the wrong date of hearing in the case, can, by no stretch of imagination, be construed to be a cogent one so as to exercise/invoke the extra-ordinary jurisdiction conferred upon this Court under the above-said provisions.

5. The orders passed by the Co-ordinate Benches in **Vishal Seth (supra)** and **Jogender @ Joginder (supra)** do not help the petitioner at all in seeking the relief as prayed for in this petition because these are the interim orders. As regards the observations as made by the Co-ordinate Bench in **Kamaljit Singh @ Sonu (supra)**, the same also do not come to the rescue of the petitioner in this case because in the afore-cited case, the petitioner could not appear in the Court on the date fixed for hearing therein, due to his illness and it was the solitary occasion of his absence from the Court whereas in the instant case, though the petitioner has placed his medical record (Annexure P-4) on the file but the same pertains to the period from 30.05.2022 to 03.07.2022 whereas he had absented himself

from the Court on 30.03.2022, i.e prior to the said period.

6. As a sequel to the fore-going discussion, it follows that the instant petition, being *sans* any merit, deserves dismissal. Resultantly, the same stands dismissed accordingly.

August 26, 2022
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*

Whether Reportable: *No*