

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

CRM-M-46962-2021

Date of decision : 19.04.2022

Aasif Khan

..... Petitioner

versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Mohammad Arshad, Advocate
for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

RAJESH BHARDWAJ, J.

Petitioner has approached this Court under Section 482 Cr.P.C. impugning the order dated 26.10.2021 whereby the learned Additional Sessions Judge(Fast Track Special Court), Nuh cancelled the bail granted to the petitioner and his bail bonds were forfeited to the State.

It has been contended by counsel for the petitioner that the learned trial Court has drawn a wrong conclusion by cancelling the bail of the petitioner. He submits that on the date fixed before the trial Court i.e. 26.10.2021, the petitioner duly moved an application for granting him exemption from personal appearance due to his examination. He has submitted that his practical (re-appear) examination was to be held on that date as per the scheduled of the Al Falah University, Faridabad. He submits that the petitioner has shown his *bona fide* by filing the application for seeking exemption, however, without providing any further opportunity, learned trial Court on the same date itself has cancelled the bail granted to the petitioner and forfeited the bail bonds. He submits that the impugned order is totally in violation of the principal of natural justice. He further submits that the petitioner has not violated any terms and conditions of the bail granted

and he is ready to abide by any terms of conditions imposed by the Court.

This Court vide order dated 12.01.2022 directed the State to file the status report which has been filed. Learned State counsel has submitted that the petitioner on 26.10.2021 did not appear before the Court. He further submits that as there was no examination of the petitioner on 26.10.2021, hence his bail was rightly cancelled.

After hearing counsel for the parties and perusing the record, it is apparent that the petitioner had filed an application for seeking exemption on 26.10.2021 on the premise of his examination on that date. Counsel for the petitioner has submitted that it was the practical (re-appear) examination on that date. As per the status report filed, it is found that after direction from this Court to the petitioner for appearing before the trial Court, the petitioner has been regularly appearing before the trial Court. He appeared on 04.03.2022, then on 10.03.2022 and thereafter on 05.04.2022. From the facts and circumstances of the case, this Court finds that the petitioner is pursuing his studies from Al Falah University, Faridabad. He remained absent only for one day and thereafter, after the order from this Court, he is regularly appearing in the trial Court.

In view of the overall facts and circumstances and the record of the case, the impugned order dated 26.10.2021 is *set aside*. The interim order dated 12.01.2022 is made absolute. The petitioner is directed to keep on appearing regularly before the trial Court who would admit him to bail on his furnishing fresh bail/surety bonds to its satisfaction.

Disposed of.

19.04.2022
m.sharma

(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No