

**134**

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

CRM-M-45846-2022

Date of decision : 30.09.2022

Rohit

...Petitioner

Versus

State of Haryana

...Respondent

**CORAM: HON'BLE MR. JUSTICE VIKAS BAHL**

Present: Mr. Yogesh Goel, Advocate for the petitioner.

Mr. Dhruv Sihag, AAG, Haryana.

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**VIKAS BAHL, J. (ORAL)**

This is a petition filed under Section 482 of Cr.P.C. for quashing of order dated 22.07.2022 (Annexure P-4) and all the subsequent proceedings arising therefrom, vide which, the bail granted to the petitioner has been cancelled and his bail bonds/surety bonds have been forfeited to the State and non-bailable warrants have been issued against him, in FIR No.378 dated 16.09.2015 registered under Sections 279, 337, 338 of the Indian Penal Code, 1860 at Police Station Pataudi, District Gurugram.

Learned counsel for the petitioner has submitted that in the present case, the petitioner had been granted regular bail vide order dated 18.09.2015 (Annexure P-2) passed by the JMFC, Gurugram and since then, the petitioner had been regularly appearing before the trial Court but could

not appear on 22.07.2022 as he had noted the wrong date and thus, the impugned order was passed. It is further submitted that on 22.07.2022, no prosecution witness was present. It is contended that the case before the trial Court is now fixed for 10.10.2022 and the petitioner now undertakes to appear before the trial Court on or before 10.10.2022 and also on each and every date before the trial Court unless his personal appearance is specifically exempted by the trial Court.

On the other hand, learned State Counsel has opposed the present petition and has submitted that the petitioner was aware about the said proceedings and in spite of the same, had not appeared on 22.07.2022 and thus, the impugned order had rightly been passed.

This Court has heard the learned counsel for the parties and has perused the record.

In the present case, the petitioner had been granted regular bail vide order dated 18.09.2015 (Annexure P-2). It is the case of the petitioner that the petitioner had been regularly appearing before the trial Court but could not appear on 22.07.2022 as he had noted the wrong date. A perusal of order dated 22.07.2022 (Annexure P-4) would show that no prosecution witness was present. The case before the trial Court is stated to be now fixed for 10.10.2022 and the petitioner has undertaken to appear before the trial Court on or before 10.10.2022.

Learned counsel for the petitioner has already submitted that the petitioner has undertaken to appear before the trial Court on or before 10.10.2022 and also to appear on each and every date before the trial Court unless his personal appearance is specifically exempted by the trial Court.

Keeping in view the abovesaid facts and circumstances, the present petition is allowed and the impugned order dated 22.07.2022 (Annexure P-4) to the extent that the bail of the present petitioner has been cancelled and his bail bonds and surety bonds have been forfeited to the State and non-bailable warrants of arrest have been issued against him and notice to his surety and identifier has also been issued, is set aside, subject to the petitioner appearing before the trial Court on or before 10.10.2022 and on his appearance, the trial Court is directed to release the petitioner on bail on his furnishing bail bonds/surety bonds to the satisfaction of the concerned trial Court. The same would also be subject to the petitioner depositing an amount of Rs.10,000/- on or before 10.10.2022 with the trial Court, which would be released to the complainant by the trial Court and would also be subject to the petitioner giving an undertaking to the trial Court that he would appear before the trial Court on each and every date unless his appearance is specifically exempted by the Court.

It is, however, clarified that in case, the abovesaid conditions are not complied with, on or before 10.10.2022, then the present petition would be deemed to have been dismissed.

**30.09.2022***Pawan***(VIKAS BAHL)  
JUDGE****Whether speaking/reasoned:-****Yes/No****Whether reportable:-****Yes/No**