

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

150

CRM-M-47364-2022

Date of Decision: 14.10.2022

Momin @ Kala & another ...Petitioners

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. G.C.Shahpuri, Advocate, for the petitioners.

GURVINDER SINGH GILL, J. (Oral)

The petitioners have approached this Court challenging order dated 27.09.2022 (Annexure P-4) passed by learned Additional Sessions Judge, Jagadhri, whereby their bail bonds/surety bonds stand forfeited in case FIR No.68 dated 11.02.2021 registered at Police Station Sadar Yamuna Nagar, District Yamuna Nagar, under Sections 148/149/307/323/324/332/353/506 IPC.

This Court does not find any illegality in impugned order dated 27.09.2022, which was passed by the Court upon absence of accused/petitioners on the date fixed, which would be in violation of conditions of the bail bonds/surety bonds. The order, as such, is upheld.

It is, however, directed that in case the petitioners surrender before the trial Court within 10 days from today and move an application for grant of regular bail, the trial Court shall consider the same expeditiously while taking into account the observations made in concluding paragraph of judgment passed by this Court in CRM-M-

39172 of 2021 titled **Pawan Kumar Vs. State of Haryana and another**

decided on 21.9.2021, which reads as under:

“12. Before parting with this order, it needs to be added that this Court cannot lose sight of the fact that there would be certain cases where an accused is unable to appear before the trial Court on account of genuine reasons, say on account of having noted the date incorrectly or on account of certain reasons which are beyond his control. In such cases, the accused can surrender before the trial Court and it is expected that the trial Courts would take a lenient view in genuine cases and decide the regular bail application expeditiously. In a given set of circumstances where the trial Court is satisfied that there were valid reasons for the absence of an accused and that he has surrendered at the shortest possible time, the trial Court can in fact dispose of the regular bail application on the very day the same is presented by accused upon his surrender. The trial Court, in its discretion, may also chose to grant interim bail, in fit cases, but only after surrender of accused.”

The petition stands disposed of accordingly.

14.10.2022

Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**

Whether reportable: **Yes/No**