

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-55393-2022
Date of decision : 30.11.2022

Jeewan Kumar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Lakhwinder Singh Dandiwal, Advocate
for the petitioner.

Mr.Praveen Bhadu, AAG, Haryana.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 482 Cr.P.C. for quashing of order dated 16.12.2021 (Annexure P-4) vide which the bail order of the petitioner has been cancelled and his bail bonds and surety bonds have been forfeited to the State.

Learned counsel for the petitioner has submitted that the petitioner was convicted vide judgment dated 17.08.2018 by the Sub Divisional Judicial Magistrate, Ratia, under Section 406 IPC and vide order dated 20.08.2018 was sentenced to rigorous imprisonment for a period of 2 years and thereafter, filed an appeal, which was admitted on 23.10.2018 and thereafter, the petitioner was regularly appearing before the appellate Court and on account of Covid-19, on certain dates, the matter had been adjourned and the petitioner could not appear on 16.12.2021 as the petitioner was arrested in another case i.e., FIR no.623 dated 14.11.2018 and has submitted

that the case is now fixed for 09.02.2023 and undertakes to appear before the appellate Court within a period of two weeks from today and also deposit Rs.10,000/- in the High Court Lawyers' Welfare Fund and also undertakes to appear before the appellate Court on each and every date except the date on which the personal appearance of the petitioner is specifically exempted by the appellate Court.

Notice of motion.

Mr.Praveen Bhadu, AAG, Haryana. appears and accepts notice on behalf of the respondent-State. He has opposed the present petition and has submitted that the petitioner was well aware about the date and that his non-appearance was intentional and the impugned order has been rightly passed by the trial Court.

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

After the conviction of the petitioner, the petitioner had filed an appeal before the Additional Sessions Judge, Fatehabad which was admitted vide order dated 23.10.2018. It is the case of the petitioner that he had been regularly appearing and could not appear on 16.12.2021 on account of the fact that he was taken into custody in another case. It is further the case of the petitioner that the case is now fixed for 09.02.2023 and the petitioner has undertaken to appear before the appellate Court within a period of two weeks from today and he is ready to deposit Rs.10,000/- in the High Court Lawyers' Welfare Fund.

Keeping in view the above said facts and circumstances, the present petition is allowed and the impugned order dated 16.12.2021 is set aside subject to the petitioner appearing before the appellate Court/Duty

Magistrate within a period of two weeks from today and also subject to the petitioner giving an undertaking before the appellate Court that he would appear on each and every date of hearing till his presence is specifically exempted by the Court and also subject to the petitioner depositing an amount of Rs.10,000/- within the period of two weeks from today in the High Court Lawyers' Welfare Fund.

It is made clear that in case the petitioner does not comply the above said conditions, the present petition shall be deemed to have been dismissed.

(VIKAS BAHL)
JUDGE

November 30, 2022
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No