

115 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-1939-2023

DATE OF DECISION:-13.01.2023

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...Petitioner.

V.

State of Haryana

...Respondent..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Randeep S. Dhull, Advocate,
for the petitioner.

Mr. Ramesh Kumar Ambavta, Additional Advocate General,
Haryana, for respondent-State.

HARKESH MANUJA, J. (ORAL)

By way of present petition under Section 482 Cr.P.C., the petitioner has impugned an order dated 14.12.2022 (Annexure P-1), whereby, his bail bonds have been cancelled, surety bonds forfeited, followed by issuance of non-bailable warrants against him.

The facts of the case are that the petitioner got implicated in FIR No.44 dated 23.01.2019, wherein, he was granted the concession of regular bail by the court of learned Sessions Judge, Rohtak vide order dated 19.08.2020 (Annexure P-2) and since then, he was regularly appearing before the trial court.

Learned counsel for the petitioner submits that the petitioner was represented by a legal aid counsel before the trial court and even on the date fixed i.e. 14.12.2022, an application dated 09.12.2022 was addressed to the learned trial court through post, seeking exemption from his personal

appearance, however, without considering the said application, learned trial court cancelled his bail bonds, forfeited surety bonds and issued non-bailable warrants. He further submits that the non-appearance of the petitioner before the court below on the date fixed was neither intentional nor wilful but on account of reasons mentioned in the application. He also submits that the petitioner is a law abiding citizen and has great respect for the process of law as well as the court.

Learned counsel for the petitioner further submits that the petitioner also undertakes to appear continuously before the court below in the proceedings pending against him, unless granted exemption specifically.

On the other hand, learned State counsel opposes the prayer made in the present petition.

I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

Though, the proceedings before the trial court on 14.12.2022 were fixed for recording of prosecution witnesses and even 5 of them were present in court, however, once an application was moved at the instance of the petitioner making prayer for exemption of his personal appearance, before proceeding further, the trial court was at least required to adjudicate upon the prayer made at the instance of the petitioner. Besides it, perusal of paper book shows that since the date of grant of benefit of regular bail, the petitioner has been continuously appearing before the trial court and even undertakes to continue to appear on each and every date, unless granted exemption specifically. In the present case, the non-appearance of the

petitioner appears to be for lack of proper legal assistance, apparently beyond his control.

In view of the above, the order dated 14.12.2022 is set aside. As such, the present petition is disposed of with the direction to the petitioner to surrender before the trial court on or before the date fixed and submit his fresh bail bonds and surety bonds to its satisfaction.

13.01.2023
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(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No