

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

(122)**CRM-M-5562-2023****Date of Decision: 02.02.2023**

Ravi @ Vicky

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Dinesh Mourya, Advocate, for the petitioner.

HARKESH MANUJA, J.(ORAL)

By way of present petition filed under Section 482 of the Code of Criminal Procedure, 1973, challenge has been made to an order dated 16.11.2021 (Annexure P-2) passed by the Court of learned Additional Sessions Judge, Fatehabad, whereby, bail bonds of the petitioner were cancelled and surety bonds were forfeited, followed by issuance of non-bailable warrants against him.

Brief facts of the case are that the petitioner having been implicated in FIR No.0004 dated 05.01.2019 for the offence under Section 21(b), 27(A), 61 of the NDPS Act, 1985 and 25, 54 of the Arms Act, 1959, registered at Police Station City Ratia, District Fatehabad, was granted concession of regular bail by the trial Court on 29.01.2019 followed by his continuous appearance in the Courts except for 16.11.2021 on which date he failed to present himself before Court on account of unavoidable circumstances resulting into passing of the order dated 16.11.2021 (Annexure P-2) which has now been impugned in the present petition.

Learned counsel for the petitioner submits that since the day when the petitioner was granted concession of regular bail, he has been continuously appearing before the trial Court. Learned counsel

further submits that even on 16.11.2021, an application for grant of personal exemption from personal appearance was moved on behalf of the petitioner, however, the same was declined. Learned counsel also submits that non-appearance of the petitioner on the date fixed was neither intentional nor willful but on account of *bona fide* reasons beyond his control and he undertakes to appear before the Court on regular basis unless granted exemption specifically and thus, prays for an opportunity in this regard.

On the other hand, prayer made in the present petition has been opposed at the instance of learned State counsel while submitting that non-appearance of the petitioner before the Court is wholly intentional and with a motive to delay the proceedings in the trial.

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 petitioners.

In the present case, petitioner has been continuously appearing before the Court since the date of grant of regular bail in his favour granted vide order dated 29.01.2019. Even, on the day of the passing of the impugned order, an application came to be filed at his instance for seeking exemption from his personal appearance, though the same did not find favour with the trial Court, resulting into passing of impugned order. The fact that petitioner moved an application before the trial Court for the purpose of seeking exemption from his personal appearance, to some extent reflects his *bona fides*.

Considering the facts and circumstances of the present case wherein, the petitioner is still willing to present himself to the jurisdiction of the Court concerned and face the trial, the impugned order dated 16.11.2021 (Annexure P-2) passed by the Court of learned Additional Sessions Judge, Fatehabad, is set aside directing the petitioner to surrender before the trial Court within a period of one week from today and furnish fresh bail bonds/surety bonds to its satisfaction.

The aforesaid order shall be subject to payment of costs of Rs.20,000/- by the petitioner within a period of two weeks from today in the following account:-

Account Name-	Punjab and Haryana High Court Association Lawyer's Family Welfare Fund.
Account No.	41564846387.
Bank Name.	SBI High Court Branch.

However, nothing expressed hereinabove shall be construed as an expression on the merits of the case.

(HARKESH MANUJA)
JUDGE

02.02.2023
anil

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