

CRM-M-10516-2023

Date of decision: 28.02.2023

RAGHBIR SINGH

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. S.S.Duhan, Advocate for the petitioner.

VIVEK PURI, J. (ORAL)

Petitioner has assailed the order dated 20.12.2022 passed by the learned Sub Divisional Judicial Magistrate, Assandh vide which the application for exemption from personal appearance was dismissed, the bail was cancelled, bail bonds and surety bonds were forfeited to the State and was ordered to be summoned through non-bailable warrants. Besides, notice to the surety and identifier was also issued.

Learned counsel for the petitioner contends that on account of health issues, the petitioner could not put appearance in the trial Court on the date fixed. An application for exemption from personal appearance was also moved but the same has been dismissed.

On a query, the learned counsel for the petitioner submits that three witnesses were present on 20.12.2022 who could not be examined on account of non-appearance of the petitioner. It has been further submitted that the petitioner is ready and willing to compensate the witnesses who were present on that date. He further submits that the petitioner shall appear and surrender before the learned trial Court within a period of two weeks. Meanwhile, the petitioner may be protected.

Notice of motion.

Mr. Ranvir Singh Arya, Addl. AG, Haryana accepts notice on behalf of the respondent-State and submits that as the petitioner has undertaken to surrender in the trial Court within a period of two weeks and to compensate the witnesses, the appropriate orders may be passed.

In these set of circumstances, the present petition is disposed of with a direction that the petitioner shall surrender before the learned trial Court within a period of two weeks and shall move an application for regular bail. Besides, the petitioner shall also deposit in the trial Court, a sum of Rs.30,000/- i.e. Rs.10,000/- each to be paid to Surjit, Sushila and Sukhbir, PWs who were present on 20.12.2022 and could not be examined on account of non-appearance of the petitioner. The petitioner shall deposit the amount of Rs.30,000/- in the trial Court on the date of his surrender. The amount shall be disbursed to the aforesaid witnesses after the statements of witnesses are recorded or given up by prosecution. It is further directed that the arrest of the petitioner may not be effected till the disposal of the bail application and also for a period of two weeks thereafter, in the event, the bail application is dismissed. Furthermore, this order is without prejudice to the proceedings under Section 446 Cr.P.C that may be initiated against the petitioner and the surety.

28.02.2023

*renubala***(VIVEK PURI)**
JUDGE

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