

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

**CRM-M-9970-2019**

Date of Decision: 24.03.2023

# Sanjay Gambhir

..... Petitioner

Versus

Piyush Gupta

.....Respondent

**CRM-M-9920-2019**

# Sanjay Gambhir

..... Petitioner

Versus

State of Haryana

.....Respondent

**CRM-M-9924-2019**

Sanjay Gambhir

..... Petitioner

## Versus

State of Haryana

.....Respondent

**CRM-M-9926-2019**

Sanjay Gambhir

..... Petitioner

## Versus

State of Haryana

.....Respondent

**CRM-M-9983-2019**

Sanjay Gambhir

..... Petitioner

Versus

State of Haryana

.....Respondent

**CRM-M-10054-2019**

# Sanjay Gambhir

..... Petitioner

## Versus

State of Haryana

.....Respondent

**CRM-M-10065-2019**

Sanjay Gambhir

..... Petitioner

Versus

State of Haryana

.....Respondent

**CRM-M-10094-2019**

Sanjay Gambhir

..... Petitioner

Versus

State of Haryana

.....Respondent

**CRM-M-10287-2019**

Sanjay Gambhir

..... Petitioner

Versus

State of Haryana

.....Respondent

**CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. Gautam Dutt, Advocate, for the petitioner.

Mr. B.S. Virk, Deputy Advocate General, Haryana.

**Rajesh Bhardwaj, J.**

This order of mine will dispose of aforesaid nine petitions which contained common questions for determination by this Court.

Prayer in CRM-M-9970-2019 is for quashing of impugned order dated 08.01.2019 (Annexure P-2), passed by learned JMIC, Faridabad, whereby, while dismissing the application filed by the petitioner seeking exemption from personal appearance, his bail has been cancelled and his bail/surety bonds have been forfeited to the State, in Complaint No.31288 of 2014 RBT dated 14.12.2011, filed under Sections 406, 420, 467, 408, 471, 34 IPC read with Section 120-B IPC, at Police Station Ballabgarh, District Faridabad and the impugned order dated 01.02.2019 passed by the learned Additional Sessions Judge, Faridabad, dismissing the criminal revision filed against the abovesaid order dated 08.01.2019. In other eight connected petition, challenge has been made to the same orders passed in different complaints/FIRs cases.

It has been contended by learned counsel for the petitioner that

the petitioner has been falsely implicated in these cases. He submits that the petitioner was granted bail and the trial of aforesaid cases was going on, however, on 08.01.2019 due to his spinal cord problem, he could not appear before the Court. He submits that application for exemption from personal appearance was moved alongwith the prescription slip issued by the Malhotra Medical Centre. He submits that absence of the petitioner from the Court on the date of hearing was totally unintentional and beyond his control as he was advised complete bed rest by the Doctor and was unable to move. He further submits that wife and son of the complainant were very much present in the Court, but the learned Court has wrongly declined the application and cancelled the bail order and forfeited the bail/surety bonds to the State and issued non-bailable warrants against him. He submits that the petitioner had challenged the order dated 08.01.2019 passed by learned JMIC, Faridabad, before the learned Additional Sessions Judge, Faridabad, who vide order dated 01.02.2019, dismissed the criminal revisions filed by the petitioner without appreciating the submissions made before it. He submits that the petitioner is ready to appear before the trial Court and abide by all the terms and conditions imposed by the Court.

Learned State counsel has opposed the submissions made by learned counsel for the petitioner and has submitted that the learned trial Court has rightly cancelled the bail/surety bonds of the petitioner and ordered his summoning through non-bailable warrants as he had failed to appear before the Court on the date fixed and on earlier occasion also he was not appearing before the trial Court.

After hearing learned counsel for the parties and perusing the

record, it is evident that on 08.01.2019, application of the petitioner for exemption from personal appearance was dismissed and his bail was cancelled and his bail bonds were forfeited to the State. The petitioner filed revisions against the order dated 08.01.2019 (passed in each case), which were dismissed by the learned revisional Court. The reason for non-appearance before the Court has been given by the petitioner to be suffering from spinal cord problem. As now the petitioner is keen to join the proceedings and abide by the terms and conditions of the bail so keeping in view the abovesaid facts, order dated 08.01.2019 passed by learned JMIC, Faridabad and order dated 01.02.2019 passed by learned ASJ, Faridabad are set aside subject to payment of Rs.50,000/- (in all cases) as costs to be deposited with the Poor Patients' Welfare Fund, PGIMER, Chandigarh by the petitioner within a period of one week from today.

The present petitions are disposed of and the petitioner is directed to appear before the trial Court within 10 days from today and file an appropriate applications for bail alongwith receipt of abovesaid costs and the trial Court would admit him to bail on his furnishing fresh bail/surety bonds (in each case) to its satisfaction. The petitioner will have protection from arrest for a period of 10 days from today.

Needless to say that in case the petitioner fails to comply with the abovesaid direction, this order would be of no avail and the orders dated 08.01.2019 and 01.02.2019 (passed in each case) will come in force.

24.03.2023  
sharmila

SHARMILA DEVI  
2023.03.24 18:47  
I attest to the accuracy and  
integrity of this document

Whether Speaking/Reasoned  
Whether Reportable

(RAJESH BHARDWAJ)  
JUDGE

: Yes/No  
: Yes/No