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IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

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CRM-M-11779-2023

DECIDED ON: 09<sup>th</sup> MARCH, 2023

ASHOK KUMAR AGGARWAL

PETITIONER

VERSUS

STATE OF HARYANA AND ANOTHER

RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Brijender Kaushik, Advocate  
for the petitioner.

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SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court under Section 482 of the Code of Criminal Procedure, 1973 has been invoked for quashing the order dated 16.02.2023 (Annexure P-15) whereby the petitioner has been declared proclaimed person and all subsequent proceedings arising therefrom, in case No. COMA/1964 of 2018, titled as “Ex Subedar Gurmit Singh vs. Ashok Aggarwal” pending in the Court of Mr. Arun Dabla, Judicial Magistrate Ist Class, Ambala.

Learned counsel for the petitioner has contended that the petitioner was regularly appearing before the trial Court but due to miscommunication between him and his counsel he noted down a wrong date i.e. 29.04.2022 instead of 19.04.2022 and due to this reason he could not appear before the trial Court on 19.04.2022 and the bail bonds and surety bonds were forfeited to the State and the petitioner has been summoned

through warrants of arrest.

Be that as it may, considering the fact that the petitioner has noted a wrong date, this Court is of the considered view that the absence of the petitioner before the trial Court is neither willful nor deliberate.

Looking into the totality of facts and peculiar circumstances, the petitioner is directed to surrender before the trial Court within a period of one week from today and apply for bail.

In case, such an application for bail is moved by the petitioner before the trial Court, the same shall be considered and decided on the same date in accordance with law.

The present petition stands disposed off, in view of afore-said terms.

(SANDEEP MOUDGIL)  
JUDGE

9<sup>th</sup> MARCH, 2023  
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|---------------------------------|----------|
| 1. Whether speaking/ reasoned : | Yes / No |
| 2. Whether reportable :         | Yes / No |