

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

CRM-M-12029-2023

Date of decision : 10.03.2023

Amit @ Mita

.....Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

**Present :- Mr. Balraj Singh Dhull, Advocate
for the petitioner.**

RAJESH BHARDWAJ, J. (Oral)

Petitioner has approached this Court impugning the order dated 22.02.2023 passed by learned Additional Sessions Judge, Panipat whereby the bail/surety bonds of the petitioner was cancelled and forfeited to the State in FIR No.693 dated 06.06.2017, under Sections 302, 34, 120-B of IPC and Section 25 of Arms Act, registered at Police Station Panipat City.

It has been contended by counsel for the petitioner that the petitioner was duly granted bail by learned Additional Sessions Judge and he was attending the proceedings regularly, however, on one date i.e. on 22.02.2023 due to noting of wrong date, he remained absent, which was totally unintentional, however, his bail was cancelled and bail bonds were forfeited to the State by the trial Court. He submits that the petitioner has no criminal antecedents and he is ready to join the proceedings and abide by the terms and conditions of bail.

Notice of motion.

On asking of the Court, Mr. B.S. Virk, DAG, Haryana accepts notice on behalf of the respondent-State.

Learned State counsel has opposed the submissions made by learned counsel for the petitioner and has stated that the trial Court has rightly cancelled the bail granted to the petitioner who remained absent on 22.02.2023

without any valid reason.

After hearing counsel for the petitioner and perusing the record, it is apparent that the petitioner has no criminal antecedents and he remained absent on one day i.e. on 22.02.2023 and his bail was cancelled and bail bonds were forfeited to the State and he was ordered to be summoned through non-bailable warrants. The petitioner has explained his absence to be because of miscommunication between him and his counsel with regard to the date fixed in the trial Court. He is keen to join the proceedings. So keeping in view the abovesaid facts, the present petition is disposed of and the order dated 22.02.2023 is *set aside* subject to payment of Rs.25,000/- as costs to be deposited with the Punjab and Haryana High Court, Bar Association Lawyer's Welfare Fund, Chandigarh by the petitioner in one week from today. In case, the petitioner appears and surrenders before the Court concerned within a period of 10 days from today and produce receipt of abovesaid costs and files an application for bail, the Court concerned would admit him to bail subject to its satisfaction in accordance with law. He 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, he will have no benefit of abovesaid protection granted by this Court and order under challenge dated 22.02.2023 would come in force.

10.03.2023
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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