

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
Sr. No.: 124

Criminal Miscellaneous No.M-13744 of 2023

Date of Decision: *March 22, 2023*

Radha Krishna Singh and others

..... PETITIONER(S)

VERSUS

State of Haryana

..... RESPONDENT(S)

...

CORAM: **HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

...

PRESENT: - Ms. Jasneet Mehra, Advocate for Mr. G.C. Sharma,
Advocate for the petitioners.

Ms. Mahima Yashpal, DAG, Haryana.

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Tribhuvan Dahiya, J (Oral)

This petition has been filed for setting aside the order dated 20.07.2022 (Anneuxre P-1), whereby on account of non-appearance of the petitioners/accused before the trial Court, their bail was cancelled, surety bonds were forfeited to the State and non-bailable warrants were issued for securing their presence on 02.12.2022.

2. Notice of motion.

3. Ms. Mahima Yashpal, DAG, Haryana, appears and accepts notice on behalf of State.

4. The petitioners are accused in case FIR No.69 dated 12.07.2020, registered under Sections 498-A, 323, 406, 506, 34 of IPC, at Women Police Station, Faridabad. They were admitted to bail by the trial Court vide order dated 03.01.2022. After filing of challan, they were required to appear before the trial Court on 20.07.2022.

5. Learned counsel for the petitioners by referring to the medical record of petitioner No.2, who is father of petitioner No.1, and husband of petitioner No.3, states that he was admitted to SGPGIMS,

Lucknow in Neuro Surgery Department on 20.07.2022, and was diagnosed with Non-Functioning Pituitary Macroadenoma with apoplexy. Later on, he was operated upon in the same hospital as is apparent from the medical record. Only on account of the serious illness of petitioner No.2 and the surgical procedure that was required to be carried out, the petitioners could not appear before the trial Court on 20.07.2022, leading to issuance of non-bailable warrants against them and forfeiture of the surety bonds. Thereafter, fresh non-bailable warrants were issued on 02.12.2022, as the warrants earlier issued could not be received back before the Court in any form. The case now stands adjourned to 24.07.2023.

6. Keeping in view the facts aforestated, it is apparent that only on account of serious illness of petitioner No.2, the petitioners, who are family members, could not appear before the trial Court leading to cancellation of bail and forfeiture of the surety bonds. Their non-appearance was not intentional, and was for justifiable reasons. Therefore, the order dated 20.07.2022 is set aside, subject to appearance of the petitioners before the trial Court on the next date, i.e., 24.07.2023. They shall be allowed to remain on the bail bonds and surety bonds already furnished pursuant to the order dated 03.01.2022, admitting them to regular bail. In the event of non-compliance of this order, the impugned order dated 20.07.2022 shall remain in force.

7. Petition stands allowed.

(Tribhuvan Dahiya)
Judge

March 22, 2023
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