

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

119

CRM-M-25183-2023 (O&M)

Date of decision: 16.05.2023

Sikander alias Rohit

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Ms. Geeta Singhwal and Mr. M.L. Singhwal, Advocates
for the petitioner.

AMAN CHAUDHARY. J.

1. The present petition has been filed under Section 482 CrPC for quashing of order dated 17.03.2023 and order dated 04.05.2023 passed by the learned Additional Sessions Judge, Jhajjar whereby the bail of the petitioner has been cancelled and non-bailable warrants issued against the petitioner for 31.05.2023.

2. Learned counsel contends that the petitioner was granted regular bail vide order dated 12.10.2021, whereafter, he continued to appear before the trial Court regularly except on 17.03.2023, on account of the fact that he was arrested in another case FIR No.86 dated 15.02.2023 (Annexure P-6), wherein he was also granted bail on 28.03.2023, which led to cancellation of his bail and forfeiture of his bail/surety bonds to the State as well as issuance of non-bailable warrants for 04.05.2023. On the said date, the petitioner not being aware of the non-bailable warrants having been issued, was unable to appear before the trial Court and consequently fresh non-bailable warrants were issued against him for 31.05.2023. Submissions made is that the absence of the petitioner is neither wilful nor deliberate and is on account of the reason aforesaid. Further that the petitioner is ready and willing to join the proceedings and it is prayed that one opportunity

may be granted to him to surrender before the learned trial Court even if the same is subject to costs. In support of her arguments learned counsel relies upon the orders of this Court in CRM-M-38277-2022 dated 26.08.2022, in the case of **Surjit Singh vs. State of Punjab**, CRM-M-39000-2022, titled as **Raghav vs. State of Punjab**, decided on 09.09.2022 and CRM-M-36490-2022, **Major Singh vs. State of Punjab**, decided on 15.9.2022.

3. Notice of motion.

4. Mr. Praveen Bhadu, AAG Haryana, who has appeared on receipt of advance copy of the petition, opposes the petition by submitting that the impugned order is legal and valid and has been rightly passed by the learned trial Court on account of non-appearance of the petitioner.

5. Heard.

6. The very purpose of issuance of non-bailable warrants, is to compel and secure the presence of the accused to face trial and establish the rule of law, as also to ensure finalization of the proceedings.

7. The present petition has been filed prior to the date for which the non-bailable warrants have been issued i.e. for 31.05.2023, which reflects the bona fide of the petitioner to join the proceedings.

8. Adverting to the facts of the present case that on account of him having been arrested in another FIR, thus, he could not appear before the trial Court appears to be justified explanation. At times, the accused can be prevented by sufficient reasons to put an appearance before the Court on a given date and every such absence cannot necessarily be construed as deliberate and wilful. However, it is incumbent upon him to join the proceedings, before the trial Court, for the culmination of the same. Considering the fact that the absence of the

petitioner being not wilful or deliberate and his readiness and willingness to surrender and join the proceedings, in case one opportunity is granted to the petitioner, no prejudice shall be caused to any of the parties, rather his joining the proceedings would help expediting the trial. Thus, in order to make the ends of justice meet and finding judgments referred to above being applicable to the instant case, the present petition deserves to be allowed.

9. In view of afore-referred orders and the facts and circumstances of this case, impugned orders dated 17.03.2023 and 04.05.2023 are set aside subject to deposit Rs.10,000 with the Bar Association, District Court, Jhajjar. The petitioner is directed to surrender before the trial Court on or before 31.05.2023 and furnish his fresh bail/surety bonds. On so doing, the trial Court shall release him on bail subject to its satisfaction. He is also directed to furnish an undertaking by way of his affidavit that he will appear on each and every date of hearing before the trial Court, unless specifically exempted by the Court. He shall also surrender his passport and will not leave the country without prior permission of the Court or the trial Court may impose any other condition that it may deem appropriate in the facts and circumstances of the present case.

10. Before parting with this order, it is made abundantly clear that in case the petitioner does not adhere to the aforesaid, the present petition shall be deemed to have been dismissed without any reference to this Court.

(AMAN CHAUDHARY)
JUDGE

May 16, 2023
M.Kamra

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