

2023:PHHC:079779

123

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

**CRM-M-28016-2023 (O&M)
Date of Decision: 31.05.2023**

MOHIT @ DHANDI

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present : Mr. Manish Soni , Advocate
for the petitioner.

DEEPAK MANCHANDA, J. (Oral)

The petitioner has preferred this petition under Section 482 of the Code of Criminal Procedure for setting aside the impugned order dated 11.04.2023 passed by the Additional Sessions Judge, Faridabad in case bearing SC No.264/2021 dated 08.04.2021, arising out of case FIR No.198 dated 24.06.2020, under Sections 302, 450, 120-B and 34 of IPC and Sections 25, 54 and 59 of Arms Act registered at Police Station SGM Nagar, Faridabad.

Learned counsel for the petitioner contends that vide order dated 30.09.2022 (Annexure P-2), the petitioner was granted the concession of regular bail who continued to attend the trial proceedings regularly. However, on 11.04.2023 (Annexure P-4), he failed to appear before the trial Court as he has to appear in two trials one in District Court Faridabad in the present case and another pending in District Courts, Gurugram. Hence, his absence is unintentional and bona fide. The absence of the petitioner resulted

2023:PHHC:079779

into passing of the order dated 11.04.2023 (Annexure P-4), whereby the learned Additional Sessions Judge, Faridabad proceeded to cancel his bail and issued warrants of arrest against him.

He further submits that the petitioner is ready and willing to join the trial proceedings.

Notice of motion.

At this stage, Mr. Bhupender Singh, DAG Haryana, who is present in the Court accepts notice on the asking of the Court and submits that the impugned order has been passed on the sole ground of absence of the petitioner, however, it is not disputed by him that the petitioner was on regular bail since 30.09.2022 and had been appearing before the trial Court.

A perusal of the order dated 11.04.2023 (Annexure P-4) reflects that the trial Court proceeded to pass the extreme order of cancellation of bail for the solitary reason of absence of the petitioner.

Learned counsel for the petitioner submits that the said absence was unintentional and due to the reasons mentioned para No.2 (vii) of the petition.

Many a times, the accused can be prevented by sufficient reasons to put in appearance before the Court on a given date, which necessarily cannot be construed as a deliberate and willful absence. The explanation offered for non-appearance and unintentional absence before the trial Court is accepted.

In view of the same, the order dated 11.04.2023 (Annexure P-4) is set aside. The petitioner is directed to appear before the trial Court on 02.06.2023 and is allowed to remain on the same bail bonds and surety bonds.

2023:PHHC:079779

In case, the petitioner does not appear before the trial Court on the given date, the order dated 11.04.2023 (Annexure P-4), passed by the trial Court, shall remain intact.

Petition disposed of.

(DEEPAK MANCHANDA)
JUDGE

31.05.2023
Amandeep

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