

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

**CRM-M-42860-2023 (O&M)
Date of Decision : 11.09.2023**

Kursid Khan

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Rishab Garg, Advocate for the petitioner.

Ms. Mahima Yashpal, DAG Haryana.

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ALKA SARIN, J. (Oral)

1. This is a petition under Section 482 CrPC for quashing of the order dated 21.04.2023 passed by the Additional Sessions Judge, Fast Track Special Court, Nuh in case FIR No.0126 dated 21.03.2020 under Sections 365, 376-D and 506 of the Indian Penal Code, 1860 registered at Police Station Ferozepur Jhirka, District Nuh.

2. Learned counsel for the petitioner would contend that the petitioner was granted anticipatory bail by this Court vide order dated 28.09.2022 passed in CRM-M-44933-2022. The petitioner was subsequently released on bail. Learned counsel would further contend that thereafter the petitioner, who was regularly appearing before the Court, failed to appear before the Court on 21.04.2023 as he was under that impression that since the material witnesses had turned hostile hence he would not be required to be present in the Court. The bail of the petitioner was cancelled and the bail

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bonds were forfeited vide order dated 21.04.2023 and the petitioner was summoned through non-bailable warrants. Learned counsel would further contend that the petitioner had no intention of jumping the concession of bail granted to him and that even now he is willing to surrender before the Court.

3. Notice of motion.

4. Ms. Mahima Yashpal, DAG Haryana accepts notice. Learned State counsel is not in a position to deny the fact that the petitioner had been appearing throughout except on 21.04.2023 when the bail of the petitioner was cancelled.

5. I have heard learned counsel for the parties.

6. In the present case the petitioner, who was granted the concession of anticipatory bail, had been regularly appearing before the Court. However on 21.04.2023 he failed to appear and straightway his bail bonds were cancelled and he was summoned through non-bailable warrants of arrest. The petitioner who had earlier not skipped a single date is stated to have not appeared on 21.04.2023 only under a wrong impression.

7. In view of the above, the present petition is disposed off with a direction to the petitioner to surrender before the Trial Court/Additional Sessions Judge (Duty) concerned within a period of 10 days from today and on his doing so the Trial Court/ Additional Sessions Judge (Duty) concerned shall release him on bail on his furnishing fresh bail and surety bonds subject to its satisfaction. Pending applications, if any, also stand disposed off.

September 11, 2023
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(ALKA SARIN)
JUDGE

NOTE : Whether speaking/non-speaking : Speaking
Whether reportable : YES/NO