

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

CRM-M-42496-2023
Date of Decision: 28.08.2023

Sunil Jaiswal

. . . . Petitioner

Vs.

State of Haryana

. . . . Respondents

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Punit Malik, Advocate, for the petitioner.

DEEPAK GUPTA, J.

Prayer in this petition, filed under Section 482 Cr.P.C., is to quash order dated 29.08.2019 (Annexure P2) passed by the trial Court, whereby bail of the petitioner was cancelled and his bail bonds were forfeited to the State; and order dated 06.04.2023 (Annexure P4), whereby warrants of arrest against the petitioner was issued in case FIR No.71 dated 28.01.2016 registered at Police Station Gurugram City, District Gurugram under Sections 420, 467, 468, 471 and 120B IPC.

2. It is contended by ld. counsel that petitioner was granted regular bail on 06.09.2017 by ld. District and Sessions Court, Gurugram. He was regularly appearing before the Court, but on 3.6.2019, when he was on the way to Court, he was chased by some unknown person, due to which he could not appear and ultimately, his bail was cancelled and bail bonds and surety bonds were forfeited. It is further contended that later on, petitioner could not appear due to the outbreak of Covid-19 pandemic. Petitioner submits that he undertakes to appear before the trial Court and be granted one more opportunity.

3. As per the own contention of the petitioner, he had been allowed bail on 06.09.2017. It is on 29.08.2019 that his bail was cancelled and bonds were forfeited vide Annexure P2, when petitioner failed to appear before the trial Court. Petitioner has not justified his absence on 29.08.2019.

4. Although ld. counsel for the petitioner has drawn attention towards some medical documents in order to show that petitioner was sick, but it is conceded by him that Annexure P3 is dated 05.01.2021, when the petitioner had fallen ill. No representation or complaint was made to the police, in case petitioner was being chased by someone, when he was allegedly approaching the court.

5. Ld. counsel for the petitioner is not able to convince that petitioner had any difficulty in appearing before the Court on 29.08.2019. Not only this, petitioner remained absent for a long period of approximately 4 years and has not surrendered in the trial Court till date.

6. In view of the aforesaid circumstances, when the petitioner himself misused the concession of bail, he is not entitled for any relief.

Dismissed.

(DEEPAK GUPTA)
JUDGE

28.08.2023

Vivek

1. Whether speaking/reasoned?
2. Whether reportable?

Yes/No
Yes/No