

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

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CRM-M-48983-2023 (O&M)
Date of decision: 28.09.2023

Salim

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Petitioner in person.

AMAN CHAUDHARY. J.

1. In view of the request letter circulated by the Bar Association, the lawyers are abstaining from work.
2. The present petition has been filed under Section 482 CrPC for quashing of the impugned order dated 28.07.2023 passed by learned Sessions Judge, Hisar in case FIR No.709 dated 03.11.2020, registered under Sections 297, 420, 467, 468, 471 and 120-B IPC, at Police Station Hansi City, District Hansi, vide which the bail of the petitioner stands cancelled and non-bailable warrant has been issued.
3. The petitioner states and is revealed from averments made in para 4 of the petition that he was granted bail by this Court vide order dated 08.02.2022, Annexure P-3, whereafter he continued to appear regularly before the trial Court, but for 28.07.2023, on which date, he having been admitted in Shri Ganga Ram Hospital, Rajinder Nagar, New Delhi, was unable to cause appearance and had filed an application of even date for seeking personal appearance along with

medical records, Annexures P-5 and P-6 but the same was declined by the trial Court and his bail was cancelled and bail/surety bonds forfeited to State vide order dated 28.07.2023, Annexure P-1. The summons have been issued by way of warrant of arrest for 07.10.2023. He submits that his absence is neither wilful nor deliberate and on account of the reason aforesaid. Further that he is ready and willing to join the proceedings and grant of one opportunity to him to surrender before the learned trial Court.

4. In view of the order being proposed to be passed by this Court, there is no requirement for the notice to be issued.

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 on 22.09.2023 and warrants have been issued for 07.10.2023, which reflects the bona fide of the petitioner to join the proceedings.

8. Adverting to the facts of the present case, the reason for non-appearance of the petitioner that led to the passing of the impugned order, appears to be justified. At times, the accused can be prevented by sufficient reasons to put an appearance before the Court and such an 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 facts and circumstances of the case and readiness and willingness of the petitioner to surrender and join the proceedings, which would help in

expediting the trial, the present petition deserves to be and is allowed in the interest of justice.

9. Accordingly, the impugned order dated 28.07.2023, Annexure P-1, is set aside subject to surrender by the petitioner before the trial Court on or before 07.10.2023, i.e. the next date fixed for the proceedings and deposit Rs.15,000/- as costs with Punjab and Haryana High Court Bar Association Lawyer’s Family Welfare Fund. He is allowed to remain on the same bail/ surety bonds as had been furnished by him at the time for granting regular bail. He shall also furnish an undertaking by way of an affidavit that he will appear on each and every date of hearing before the trial Court, unless specifically exempted by the Court. He shall not leave the country without prior permission of the Court. 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

September 28, 2023
M.Kamra

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