

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(152)

CRM-M-51924-2023

Date of Decision:- 30.10.2023

Sachin @ Jaibir

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Sankalp Gehlawat, Advocate for the petitioner.

SUVIR SEHGAL, J. (Oral)

1. By way of present petition filed under Section 482 of the Code of Criminal Procedure, 1973, petitioner is seeking setting aside of order dated 03.08.2023, Annexure P-1, whereby bail of the petitioner has been cancelled, bail/surety bond has been forfeited to the State and warrant of arrest has been issued.
2. Counsel for the petitioner submits that petitioner is an accused in FIR No. 311 dated 01.08.2019 lodged for offences under Sections 302, 303, 307, 323, 325, 147, 148, 149, 109 and 120-B, IPC at Police Station Azad Nagar, Hisar and has been released on regular bail by this Court by order dated 11.03.2022, Annexure P-2. Counsel submits that the petitioner has been appearing before the Trial Court, but on 03.08.2023, when impugned order, Annexure P-1, was passed, he could not appear due to the miscommunication of the date of proceedings. Counsel submits that the petitioner was arrested in another criminal case arising out of FIR No.522 dated 18.07.2023 registered at Police Station Urban Estate, Hisar and has been released on regular bail by the learned Sessions Judge, Hisar on 19.09.2023. A copy of the said order has been placed on the record by the counsel. Counsel submits that the petitioner is prepared to surrender before

the Trial Court and join the proceedings.

3. Notice of motion.
4. On asking of the Court, Mr. Gurmeet Singh, AAG, Haryana accepts notice on behalf of the State-respondent. He has supported the impugned order.
5. I have heard counsel for the parties and considered their respective submissions.
6. Perusal of the interim orders passed by the Trial Court, which have been appended as Annexure P-3, show that the petitioner has been regularly appearing before the Court till the passing of the impugned order. Therefore, the reason assigned by the petitioner for non-appearance seems to be plausible. Furthermore, noticing the willingness of the petitioner, this Court is of the view that the default deserves to be condoned and the petitioner deserves to be given an opportunity to join the proceedings.
7. It is accordingly directed that in case the petitioner surrenders before the Trial Court on or before 06.11.2023, the next date before the Trial Court, he shall be admitted to bail on furnishing fresh bail/surety bonds to the satisfaction of the Trial Court. He shall also be at liberty to move an appropriate application before the Trial Court for the cancellation of the warrant of arrest.
8. Petition is disposed of.

30.10.2023

(SUVIR SEHGAL)

KamalJUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No