

**2023:PHHC:141680**

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

**CRM-M-55010-2023**

**Date of Decision: 07.11.2023**

**AVINASH KUMAR BHUDHAAYER @ AVINASH @ HEER  
... PETITIONER**

**VS.**

**STATE OF UT CHANDIGARH.**

**.. RESPONDENT**

**CORAM: HON'BLE MR. JUSTICE VIVEK PURI**

Present : Mr. Umesh Aggarwal, Advocate, for the petitioner.  
Mr. Ankur Bali, Addl. P.P. for respondent-U.T. Chandigarh.

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**VIVEK PURI, J.(ORAL)**

1. The petitioner is seeking to quash the order dated 14.08.2023 passed by the learned trial Court vide which his bail was cancelled, bail bonds/surety bonds were forfeited to the State and warrants of arrest were issued.

2. Learned counsel for the petitioner contends that the petitioner has been arraigned as an accused in the case bearing FIR No.38 dated 19.05.2022 under Sections 370/342/376D/120-B IPC and Section 67 of the IT Act registered at Police Station Sector 49, Chandigarh.

3. The petitioner was granted regular bail by the learned trial Court in terms of the order dated 09.11.2022. After release on bail, the petitioner has been regularly appearing in the trial Court on each and every date of hearing. The petitioner had absented from Court proceedings on 14.08.2023 as he had mistaken the date of hearing. This is the first default on the part of the petitioner and he is ready and willing to surrender and face the trial. Next date of hearing in the trial Court is stated to be 28.11.2023. It has been further submitted by learned counsel for the petitioner that the

petitioner shall surrender before the learned trial Court and move an

application for regular bail on or before 28.11.2023 and he restricts his prayer only to the extent that meanwhile, the petitioner may be protected.

4. Notice of motion.

5. Mr. Ankur Bali, Addl. P.P. for U.T.Chandigarh, accepts notice on behalf of the respondent-U.T.Chandigarh.

6. Learned counsel for U.T.Chandigarh submits that appropriate directions may be issued to ensure that the petitioner participates during the course of trial and furthermore, on 14.08.2023, one of the doctors, who was summoned as a witness, was present but could not be examined due to non-appearance of the petitioner.

7. In these set of circumstances, the petition is disposed of with a direction that the petitioner shall surrender before the learned trial Court on or before 28.11.2023 and shall move an application for regular bail and same be disposed of by the learned trial Court, in accordance with law. It is further directed that in the event the petitioner surrenders and moves an application for regular bail on or before 28.11.2023, the arrest of the petitioner be not effected till the disposal of the bail application and for a period of 15 days thereafter in the event the application is dismissed. Furthermore, this order is further subject to the condition that the petitioner shall deposit a sum of Rs.5,000/- as costs in the District Legal Services Authority, Chandigarh and this order is without prejudice to any proceedings under Section 446 Cr.P.C that may be initiated against the petitioner and his surety.

8. Disposed of.

07.11.2023

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(VIVEK PURI)  
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No