

CRM-M-63448-2023
Date of decision: 16.12.2023

Ram

...Petitioner

Versus

State of Haryana ...Respondent

Present: Mr. Mohan Singh Chauhan, Advocate
for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

2. Learned counsel appearing for the petitioner *inter alia* contends that the petitioner was regularly appearing before the learned trial Court but on 08.08.2023, he could not appear before the learned trial Court due to his ill health and he requested his counsel to move an application for exemption from his personal appearance. On 08.08.2023, the application for exemption from his personal appearance was moved and the same was declined for want of cogent proof in support of the ground made therein. Further, due to non-appearance of the accused/petitioner, his bail order was cancelled. Bail

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bonds/surety bonds were forfeited to the State and he was summoned through non-bailable warrants of arrest for 13.12.2023.

3. Learned counsel appearing for the petitioner submits that the learned trial Court has cancelled the bail of the petitioner in a casual manner without considering the fact that the petitioner never misused the process of law and could not appear before the learned trial Court on account of ill health. He further submits that the petitioner had filed applications for exemption from personal appearance earlier also, which were allowed by the Court but this time, the same was declined on the ground that there is no cogent proof to remain absent.

4. It is also submitted that the petitioner undertakes to appear before the trial Court on each and every date.

5. Notice of motion.

6. Ms. Geeta Sharma, DAG, Haryana who is present in Court, accepts notice for the respondent and supports the order passed by the learned trial Court by contending that the petitioner did not put in appearance before the trial Court intentionally and deliberately and, therefore, having left with no other option, non-bailable warrants were issued against him to secure his presence.

7. I have heard learned counsel for the parties and perused the record of the case with their able assistance and with the consent of parties, the matter is taken up for final disposal.

8. While the scheme of criminal justice system necessitates curtailment of personal liberty to some extent, it is of the utmost importance that the same is done in line with the procedure established by law to maintain a

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healthy balance between personal liberty of the individual-accused and interest of the society in promoting law and order. Such procedure must be compatible with Article 21 of the Constitution of India i.e. it must be fair, just and not suffer from the vice of arbitrariness or unreasonableness.

9. The sole purpose of issuance of non-bailable warrants or issuance of proclamation is to secure presence of the accused before the trial Court. The petitioner in the present case has himself come forward and has undertaken to appear before the trial Court on each and every date.

10. In view of the aforesaid facts and circumstances, the present petition is allowed, and the impugned order dated 08.08.2023 (Annexure P-2) vide which the bail granted to the petitioner was cancelled and he was summoned through non-bailable warrants of arrest, is hereby set aside.

11. The petitioner is directed to appear before the trial Court within a period of 15 days from today and on his doing so, he shall be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of the trial Court, along with costs of Rs.10,000/- to be deposited with the Poor Patient Welfare Fund, PGIMER, Chandigarh, for wasting precious time of the Court.

(HARPREET SINGH BRAR)
JUDGE

16.12.2023
Neha

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