

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-4185-2024 (O&M)
Date of decision : 25.01.2024

Harpreet Singh Walia

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Navjinder Singh Sidhu, Advocate
for the petitioner.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed under Section 482 of Cr.P.C. by the petitioner seeking quashing of order dated 15.01.2024, passed by Judicial Magistrate First Class, Panchkula in case titled as *State Vs Harpreet Singh* arising out FIR No. 152, dated 30.11.2021, registered under Sections 323, 406 and 498-A of IPC at Women Police Station, District Panchkula, whereby the bail of the petitioner has been cancelled and personal/surety bonds have been forfeited to the State and arrest warrants have been issued against him.
2. Learned counsel for the petitioner submits that the petitioner has been arrayed as an accused in the aforesaid FIR. He was on anticipatory bail granted by this Court, vide order dated 01.08.2022 passed in CRM-M-3648-2022. Thereafter, he was regularly appearing before the trial Court. However, on 15.01.2024, neither petitioner nor his counsel could

appear before the Court, consequent to which, his bail has been cancelled by the trial Court; personal/surety bonds have been forfeited to the State and arrest warrants have been issued against him. He further submits that the absence of the petitioner was neither willful nor deliberate and was only on account of the reason that he was suffering from high fever on the said date and unfortunately, his counsel could also not appear before the Court. He further submits that the petitioner is ready and willing to join the proceedings and prays that one more opportunity may be granted to him to surrender before the learned trial Court.

3. I have heard learned counsel for the petitioner and have perused the material placed on record. A perusal of the zimini orders placed on record by the petitioner shows that the petitioner was regularly appearing before the Court. However, he absented on 15.01.2024, consequent to which, his personal and surety bonds have been forfeited to the State and arrest warrants have been issued against him. The petitioner has submitted that he is willing to join Court proceedings and has also undertaken that he will appear on each and every date fixed by the trial Court. Since the presence of the petitioner before the trial Court would help in speedy conclusion of trial, this Court is of the considered opinion that he deserves to be given an opportunity as claimed by him.

4. Accordingly, the present petition is disposed of. The petitioner is directed to surrender before the trial Court within a period of three days from today. On doing so, the trial Court shall release him on bail, subject to his furnishing fresh personal/surety bonds to its satisfaction. Till the appearance of the petitioner before the trial Court, his arrest shall remain stayed.

5. This order, however, will be subject to payment of costs of Rs. 5,000/-, to be deposited by the petitioner with the District Legal Services Authority, Panchkula.

25.01.2024
Waseem Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>