

142 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-5826-2024

Date of Decision: 05.02.2024

Rohit Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Vishal Yadav, Advocate for the petitioner.

HARKESH MANUJA, J. (Oral)

1. By way of present petition filed under Section 482 Cr.P.C., prayer has been made for quashing the order dated 03.01.2024 (Annexure P-3) passed by the court of Additional Sessions Judge, Rewari, whereby bail of the petitioner was cancelled, besides, forfeiture of bail/surety bonds, followed by issuance of non-bailable warrants against him.

2. Briefly stating, the petitioner was implicated in FIR No.197, dated 12.06.2022, registered under Section 21 of the NDPS Act, 1985 (later on added Section 27-A NDPS Act, 1985), at Police Station Khol, District Rewari, wherein he was granted the concession of bail vide order dated 01.07.2022 passed by learned Sessions Judge, Rewari and thereafter, he was regularly appearing before the Trial Court, but for 03.01.2024, when the petitioner could not appear before the Trial Court, resulting into cancellation of bail and forfeiture of bail bonds/surety bonds followed by issuance of non-bailable warrants against him vide order dated 03.01.2024. The aforesaid order has been impugned by way of present petition.

3. Learned counsel for the petitioner submits that the petitioner failed

to appear before the Trial Court on 03.01.2024, due to some miscommunication between the petitioner and his lawyer.

4. Notice of motion.

5. Mr. Chetan Sharma, DAG, Haryana, who is present in Court accepts notice on behalf of the respondent-State and opposes the prayer while submitting that the non-appearance of the petitioner before the Trial Court was just to cause delay in the disposal of trial.

6. I have heard learned counsel for the parties and gone through the paper book.

7. The non-appearance of the petitioner before the Trial Court on 03.01.2024 appears to be unintentional and for bonafide reason i.e. on account of some miscommunication between the petitioner and his lawyer.

8. In view of the above, the present petition is allowed. Order dated 03.01.2024 is set aside. Petitioner is directed to appear before the Trial Court within a period of 10 days from the date of receipt of certified copy of this order and furnish his fresh bail/surety bonds, which shall be accepted, subject to verification. Till then, no coercive steps be taken against the petitioner.

9. The aforesaid order is subject to payment of costs of Rs.5,000/- to be deposited with the District Legal Services Authority, Rewari, Haryana, within a period of two weeks from today.

05.02.2024
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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned: yes/no
Whether reportable? yes/no