

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(128)

CRM-M-6269-2024
Date of Decision:-07.02.2024

Rahul Deep
.....Petitioner

Versus

State of Haryana
.....Respondent

CORAM: HON’BLE MR. JUSTICE ALOK JAIN

Present: Mr. Ravinder Phogat, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

ALOK JAIN, J. (Oral)

1. The present petition is for quashing of order dated 18.01.2024 (Annexure P-4) passed by learned Additional Sessions Judge, Charkhi Dadri, whereby, the bail of the present petitioner has been cancelled and the bail bonds were forfeited on account of the absence of the petitioner on the date fixed by trial Court and further, the warrants of arrest have been issued against the petitioner.
2. Learned counsel for the petitioner submits that the petitioner was granted the concession of bail by the trial Court and had been appearing all throughout the trial, however, he could not put in appearance on 18.01.2024 on account of the ailment of his mother for which he has placed on record the medical certificate. He further submits that the said medical certificate was not available with him on the said date and the same was issued on the discharge of his mother from the hospital and therefore, the Court proceeded against him.

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3. It is also submitted by learned counsel for the petitioner that out of 15 witnesses, 08 witnesses have been examined and the complainant has also turned hostile.

4. Notice of motion.

5. Mr. Tanuj Sharma, AAG, Haryana, accepts notice on behalf of respondent-State and has vehemently opposed the grant of any concession to the petitioner, as he is a habitual absentee and has been repeatedly filing applications for exemption from personal appearance, which ultimately leads to delay in trial.

6. Heard learned counsel for the parties.

7. Considering the fact that seeking detailed reply shall only procrastinate the trial, which is pending since long, the ends of justice would be met if petitioner is granted one opportunity to join the proceedings.

8. Furthermore, the Hon'ble Supreme Court of India in case titled as ***“Krishna Sharma @ Krishna Kumar Sharma Vs. The State of West Bengal and another” SLP (Crl.) No. 12829 of 2023***, the relevant extract of which reads as under:

“However, we find that merely because the appellant did not appear personally could not have been a ground for cancellation of bail. The parameters for grant of bail and cancellation of bail are totally different. The bail already granted may be cancelled, if it is found that the person who has been granted the benefit of bail has violated any of the conditions or misused the liberty by influencing the witnesses or tampering with the evidence.”

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9. Considering the ratio of law as laid down by the Hon’ble Supreme Court of India, the petitioner is directed to surrender before the trial Court on 15.02.2024, the date already fixed and shall be released on bail by furnishing bail bonds and surety bonds already submitted with a fresh undertaking *qua* the same from the same sureties to the satisfaction of trial Court/CJM/Duty Magistrate concerned.

10. It is made clear that the petitioner shall not be granted any exemption from personal appearance till the completion of trial.

11. In light of the above, the present petition stands disposed of and the petitioner is imposed with a cost of Rs. 5,000/- to be deposited in ***Poor Patients Welfare Fund, PGIMER, Chandigarh***, within two weeks from today.

(ALOK JAIN)
JUDGE

February 07, 2024
Parul

Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No