

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

**CRM-M-10009-2024
DECIDED ON: 15.04.2024**

AMAR SINGH

.....PETITIONER

VERSUS

LALIT KUMAR AND OTHERS

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Dheeraj Kumar, Advocate for
Mr. Mohit Kakkar, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 482 Cr.P.C. seeking quashing of order dated 11.04.2023 (Annexure P-3), passed by learned Sessions Judge, Fatehabad and all subsequent orders, in pending appeal bearing No.CRA/95/2017, dated 25.04.2017, whereby the bail order of the petitioner was cancelled and bail bonds and surety bonds were forfeited to the State and warrant of arrest of the petitioner was issued for 27.02.2024.

Learned counsel for the petitioner submits that it is only on one occasion i.e. on 11.04.2023, when the petitioner could not appear before the trial Court, however, he has been continuously appearing on each and every date except on earlier occasion due to Covid-19. He further submits that the absence of the petitioner on the said date i.e. 11.04.2023 is stated to be on account of miscommunication between him and his counsel as he had wrongly noted the date. Due to his absence on 11.04.2023, his bail stands

cancelled and bail/surety bonds were forfeited to the State and he was summoned through non-bailable warrants.

He undertakes that the petitioner will surrender before the trial Court and shall join the trial proceedings without any delay or default in future.

Notice of motion.

On the asking of the Court, Mr. B.S. Virk, Sr. DAG, Haryana accepts notice on behalf of the respondent No.2-State, who is not averse to the undertaking given by the petitioner that he will surrender before the trial Court.

In view of the above, the petitioner is directed to surrender before the trial Court within a period of one week from today and apply for regular bail.

In case, such an application for bail is moved by the petitioner before the learned trial Court, the same shall be considered on the same date and decided in accordance with law.

However, it is made clear that in case the petitioner does not abide by the aforesaid undertaking, respondent No.2/State shall be at liberty to move an appropriate application for revival of the instant petition.

The aforesaid order/concession to the petitioner shall be subject to payment of costs of Rs.10,000/- to be deposited with the Punjab and Haryana High Court Bar Association, Chandigarh (Account No.65035682434, IFSC Code: SBIN0050306) and a receipt of the same be produced before the Trial Court and only in that eventuality, application of the petitioner for seeking bail be considered.

It is made clear that the imposition of above-said cost would not be construed, in any manner as a concession of cost for setting aside the impugned order and it is only on account of delay caused in the trial proceedings for which neither the complainant nor the trial Court could be attributed any fault but the petitioner’s own conduct alone is responsible.

The instant petition is disposed of in the aforesaid terms.

15.04.2024
Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

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