

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

CRM-M-11550-2024

DECIDED ON: 04.03.2024

NAVJEEVAN

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Yashdeep Nain, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 482 Cr.P.C., for quashing of impugned order dated 15.09.2023 passed by learned Judicial Magistrate Ist Class, Karnal in case titled as State of Haryana versus Navjeevan bearing No.CHA/506/2022, arising out of FIR No.709, dated 25.11.2021, under Sections 10, 3, 7(i), 7(ii) of Haryana Development and Regulation of Urban Areas Act, 1975, registered at Police Station Gharaunda, District Karnal vide which the bail of the petitioner has been cancelled and non-bailable warrants has been issued.

Learned counsel for the petitioner contends that the case was earlier listed for 08.06.2023, as is evident from order dated 06.04.2023 (Annexure P-6) but it was taken up on 31.05.2023 on account of availing summer vacations by the said judicial officer w.e.f. 01.06.2023 till 15.06.2023.

A perusal of the portal of the trial Court would show that the order dated 31.05.2023 does not mention any date for which it has been

adjourned though the case was taken up on 15.09.2023 for the purpose already it was adjourned but on account of the same, the petitioner could not appear on 15.09.2023 as there was no proper and clear information with regard to the listing of the case on that date. Due to non-presence of the petitioner on 15.09.2023, his bail was cancelled and bail/surety bonds were forfeited to the State along with issuance of non-bailable warrants, as is evident from the order dated 15.09.2023 (Annexure P-8).

The case was accordingly adjourned to 16.01.2024. Due to absence of the petitioner on 15.09.2023, the order came to be passed which was assailed before this Court.

Notice of motion.

On the asking of the Court, Mr. B.S. Virk, Sr. DAG, Haryana accepts notice on behalf of the respondent-State, who is not averse to the view of this Court that the reason mentioned in the petition seems to be genuine for absence of the petitioner on 15.09.2023, which has occurred due to incomplete information on the portal of the trial Court, as is evident from perusal of the order dated 31.05.2023 attached to the instant petition.

In the light of above discussion and the factual circumstance as detailed by counsel for the petitioner, this Court in the interest of justice along with appreciating the fact that presence of the petitioner will definitely create hindrance in furtherance of the trial proceedings, curtailing the delay in the same, is inclined to benefit of doubt to the petitioner.

Accordingly, 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, the respondent/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), State Bank of India, High Court, Sector 1, Chandigarh 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.

The instant petition is disposed of in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

04.03.2024
Poonam Negi

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