

CRM-M-11758-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(124)

CRM-M-11758-2024
Date of Decision:-05.03.2024

Sumer Arora
.....Petitioner

Versus

State of Haryana and another
.....Respondents

CORAM: HON’BLE MR. JUSTICE ALOK JAIN

Present: Mr. Manpreet Singh Sidhu, Advocate
for the petitioner.
(through video conferencing)

Mr. Anmol Malik, DAG, Haryana.

ALOK JAIN, J. (Oral)

1. Learned counsel for the petitioner had requested that the present matter be taken up through video conferencing.
2. The present petition has been filed under Section 482 Cr.P.C. for quashing of order dated 05.02.2024 (Annexure P-4) passed by learned Additional Sessions Judge, Faridabad, Haryana, whereby, the bail of the 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.
3. Learned counsel for the petitioner submits that the petitioner had filed an application (Annexure P-5) seeking exemption from personal appearance on the ground that he had to appear before the Courts at Gurgaon in compliance of the order dated 29.01.2024 passed by this Court, however, the trial Court without considering the same has cancelled the bail of the

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petitioner and forfeited his bail bonds. Admittedly, the petitioner did appear before the Judicial Magistrate 1st Class, Gurugram on 05.02.2024 in another case and was granted the concession of bail.

4. Learned counsel for the petitioner has further submitted that the present petition was filed on 26.02.2024 i.e. before the last date of hearing before the trial Court which was 02.03.2024 but the matter has been listed today and the next date of hearing before the trial Court is 23.04.2024.

5. Notice of motion.

6. Mr. Anmol Malik, DAG, Haryana, accepts notice on behalf of respondent-State.

7. Heard learned counsel for the petitioner at length.

8. Considering the fact that seeking detailed reply from the respondents 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.

9. 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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10. 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 or before 12.03.2024 and shall be released on bail by furnishing fresh bail bonds and surety bonds to the satisfaction of trial Court/CJM/Duty Magistrate concerned.

11. With the above said direction, the present petition stands disposed of.

(ALOK JAIN)
JUDGE

March 05, 2024
Parul

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