

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

157

**CRM-M-11472-2024 (O&M)
Date of Decision: 04.03.2024**

KULDEEP ALIAS MEWA SINGH

...Petitioner

VERSUS

STATE OF HARYANA

....Respondent

CORAM : HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Sumeet Singh Brar, Advocate for the petitioner.

MANISHA BATRA, J. (Oral)

1. The petitioner is seeking quashing of order 06.10.2023 passed by learned Additional Sessions Judge, Fatehbad in case bearing No.SC 85/2023 in FIR No.88 dated 04.04.2023 under Section 341, 456, 354 D(1) (i), 506 of IPC 1860 and Section 11(iv) under Section 12 POCSO Act, 2012 registered at Police Station Bhattu Kalan, District Fatehabad whereby his bail has been cancelled and bonds/surety were forfeited to the State.
2. On 06.10.2023, learned counsel for the petitioner had moved an application for granting exemption from his presence for that date on the ground that he is out of station but the Trial Court did not accept the said plea as taken by the petitioner and dismissed the bail application leading to cancellation of his bail and forfeiture of his bonds. It is submitted that the absence of the petitioner on that date was not intentional and was bonafide and that is why application for grant of exemption was made. Learned counsel for the petitioner has placed on record the copies of the subsequent orders which reveal thatailable warrants have been issued against the petitioner.

3. A perusal of the record reveals that learned Trial Court had declined the prayer made by the petitioner for exempting his presence keeping in view the fact that the most material witnesses of the case were present on that date.

4. Keeping in view the entire facts and circumstances, this petition is disposed with direction to the petitioner to appear before Trial Court on or before the date fixed and it is further directed that on his appearance within the stipulated time, the Trial Court shall release him on bail on his furnishing adequate personal/surety bonds to its satisfaction, however, subject to deposit of Rs.10,000/- by the petitioner before the Trial Court which shall be payable to the witnesses who were present as on 06.10.2023.

5. Copy of this order be sent immediately to the concerned Court.

(MANISHA BATRA)
JUDGE

04.03.2024
Deepak Patwal

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO