

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

**CRM-M No. 13056 of 2024 (O&M)
Date of Decision: 14.03.2024**

Sunil @ Tiddu

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

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

HARKESH MANUJA, J. (ORAL)

The petitioner, by way of present petition filed under Section 482 Cr.P.C., seeks quashing of the order dated 17.11.2023 (Annexure P-4) passed by the learned Additional Sessions Judge, Fatehabad, in case FIR No. 304 dated 10.07.2021, under Sections 379-A & 34 of IPC (Section 201 of IPC added later on), registered at Police Station City Tohana, District Fatehabad, whereby the bail of petitioner has been cancelled, while forfeiting his bail / surety bonds due to non-appearance.

[2] In the present case having been implicated in the FIR (supra), the petitioner was granted concession of regular bail vide order dated 25.03.2022 (Annexure P-2) passed by the learned Sessions Judge, Fatehabad and continued to appear before the Trial Court thereafter, but for 17.11.2023 when on account of some miscommunication about the date between him and his counsel, he went to Orissa; thus, could not appear before the trial Court, resulting into cancellation of his bail.

[3] While impugning the aforesaid order dated 17.11.2023 (P-4), learned counsel for the petitioner submits that non-appearance of the petitioner was wholly unintentional as the petitioner never intended to evade the process of law. It has been further submitted that since 17.11.2023 till today, the petitioner never indulged himself in any kind of criminal activity and he is ready to surrender before the Trial Court to join the proceedings.

[4] Notice of motion.

[5] Mr. Chetan Sharma, Deputy Advocate General, Haryana, accepts notice on behalf of the respondent-State and opposes the prayer made in the petition, while submitting that the petitioner absented himself on 17.11.2023 whereas he has approached this Court only in the month of March, 2024 i.e. after a period of almost four months and in the meanwhile the Trial Court had initiated all necessary steps to secure presence of the petitioner, but to no effect as the petitioner was evading the process of law with deliberate intent.

[6] I have heard learned counsel for the parties and gone through the paper book.

[7] Considering the fact that the petitioner could not appear before the Trial Court on 17.11.2023 on account of some miscommunication between him and his counsel; besides, nature of FIR registered against him and the fact that he never indulged himself in any kind of criminal activity post 17.11.2023 till date and also that he is ready to join the proceedings before the Trial Court, purely in the interest of justice, the order dated 17.11.2023 (P-4) passed by the learned Sessions Judge, Fatehabad, is set aside. The petitioner is directed to appear before the Trial Court on

15.03.2024, the date fixed before the Trial Court and furnish his fresh bail bonds / surety bonds to its satisfaction and till then, no coercive steps shall be taken against him.

[8] **Disposed off** accordingly.

[9] This order, however, shall be subject to payment of cost(s) of Rs.5,000/- to be deposited by the petitioner with the District Legal Services Authority, Fatehabad, within a period of one week from the date of receipt of certified copy of this order.

March 14, 2024
'dk kamra'

(HARKESH MANUJA)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>