

CRM-M-13431-2024

120 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-13431-2024

Date of Decision: 15.03.2024

Mangal Jit

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Rahul Garg, Advocate for the petitioner.

HARKESH MANUJA, J. (Oral)

1. By way of present petition filed under Section 482 Cr.P.C., prayer has been made for quashing the order dated 01.12.2023 (Annexure P-3) passed by learned Special Judge, Fatehabad, whereby bail of the petitioner was cancelled, besides, forfeiture of bail bonds as well as surety bonds to the State, followed by issuance of non-bailable warrants against him.

2. Briefly stating, the petitioner was implicated in FIR No.430, dated 09.08.2022, registered under Sections 21(b) and 29 of the NDPS Act, 1985, at Police Station City Fatehabad, District Fatehabad, wherein he was granted the concession of regular bail by this Court passed in CRM-M-49973-2022, vide order dated 10.01.2023 and thereafter, he was regularly appearing before the Trial Court, but for 01.12.2023, when the petitioner could not appear before the Trial Court, resulting into cancellation of bail and forfeiture of bail bonds as well as surety bonds to the State followed by issuance of non-bailable warrants against him vide order dated 01.12.2023. The aforesaid order has been impugned by way of present petition.

3. Learned counsel for the petitioner submits that due to

communication gap between the petitioner and his counsel, he noted down the wrong date and therefore, could not appear before the Trial Court on 01.12.2023.

4. Notice of motion.

5. Mr. Gurmeet Singh, AAG, Haryana who is present in Court accepts notice on behalf of the respondent-State and opposes the prayer while submitting that the non-appearance of the petitioner before the Trial Court was just to cause delay in the disposal of trial.

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

7. The non-appearance of the petitioner before the Trial Court on 01.12.2023 appears to be unintentional and for bonafide reason i.e. on account of having noted down wrong date.

8. In view of the above, the present petition is allowed. Order dated 01.12.2023 is set aside. Petitioner is directed to appear before the Trial Court within a period of one week from the date of receipt of certified copy of this order and furnish his fresh bail/surety bonds, which shall be accepted, subject to its satisfaction. Till then, no coercive steps be taken against the petitioner.

9. The aforesaid order is subject to payment of costs of Rs.2,000/- to be deposited with the District Legal Services Authority, Fatehabad, Haryana, within a period of two weeks from today.

15.03.2024

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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned: yes/no
Whether reportable? yes/no