

2024:PHHC:064980



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

CRM-M-22938-2024

Decided on:-08.05.2024

Kuldeep

....Petitioner..

vs.

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Neeraj Yadav, 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 setting aside the order dated 28.02.2024 as well as order dated 24.04.2024 (Annexures P-2 and P-3) passed by the Additional Sessions Judge, Rewari, whereby bail of the petitioner was cancelled and his bail bonds /surety bonds were forfeited to the State resulting into issuance of fresh non-bailable warrants against him.

2. Briefly stating, having been implicated as an accused in FIR No.04 dated 11.01.2020 registered under Sections 323, 307, 506, 34 IPC and Section 25 of the Arms Act, 1959, at Police Station Sadar, District Rewari, petitioner was granted concession of bail along with his other co-accused and since then, he was regularly participating in the proceedings. But for one date i.e. 28.02.2024, when petitioner could not appear as he was not aware about the next date resulting into cancellation of his bail vide order dated 28.02.2024, followed by issuance of non-bailable warrants against him vide order dated 24.04.2024.

3. Impugning the aforesaid orders dated 28.02.2024 and 24.04.2024, 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 was merely due to the reason that he was not aware of the next date.

Learned counsel further submits that petitioner is ready to surrender before the Trial Court to join the proceedings. He also submits that the petitioner volunteers to serve the public cause by providing three (03) Flowmex suction machine with Quater HP Motor SP to the Civil Hospital, Rewari.

4. Notice of motion.

5. Upon advance notice, Mr. Gagandeep Singh Chinna, AAG, Haryana accepts notice on behalf of the respondent/State and opposes the prayer made on behalf of the petitioner while submitting that despite having knowledge of pendency of proceedings against him, petitioner chose not to submit himself to the jurisdiction of the Court and, thus, orders dated 28.02.2024 and 24.04.2024 passed by the Additional Sessions Judge, Rewari, warrant no interference.

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 28.02.2024 on account of the fact that he was not aware about the next date and also that he is ready to join the proceedings before the concerned Court, the present petition is allowed and the orders dated 28.02.2024 and 24.04.2024 passed by the Additional Sessions Judge, Rewari are set aside with a direction to the petitioner to appear before the Trial

Court within a period of ten (10) days from today and furnish his adequate bail bonds/surety bonds to the satisfaction of the concerned Court. The petitioner shall also file an affidavit that he will appear on each and every date of hearing except in case of the exemption specifically granted by the Court concerned.

8. The aforesaid order, however, shall be subject to providing (03) Flowmex suction machine with Quater HP Motor SP to the Civil Hospital, Rewari as volunteered by the petitioner against due receipt issued by the concerned Civil Surgeon, who shall prepare an inventory in this regard for its regular inspection by the Director concerned. The copy of receipt shall also be produced by the petitioner before the Trial Court during the submission of bail/surety bonds. Till then, no coercive steps be taken against the petitioner.

08.05.2024

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(HARKESH MANUJA)
JUDGE

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