

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

122

CRM-M-22987 of 2024
Date of Decision: 13.05.2024

Mohan Yadav

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Manvinder Sidhu, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

This is a petition under Section 482 Cr.P.C. for quashing of the order dated 10.03.2022 (Annexure P-1), whereby, the bail of the petitioner was cancelled and his bail bonds/surety bonds have been forfeited to the State.

Learned counsel for the petitioner submits that the impugned order dated 10.03.2022 is inappropriate whereby the bail of the petitioner has been cancelled and warrants of arrest have been issued against the petitioner.

It is the positive case of the petitioner set up before this Court that he was regularly appearing before the trial Court during the trial. The petitioner was appearing on each and every date before the trial Court but he could not appear on 10.03.2022 since he was suffering from COPD chronic obstructive pulmonary disease and due to that he suffers from constant lumbosacral region and pain in bilateral knee joint. The petitioner was resident of Postiya, District Chatra (Jharkhand) and therefore, he was unable

to travel for such a long distance to attend the Court proceedings. He further submits that non-appearance of the petitioner before the trial Court on 10.03.2022 is neither intentional nor deliberate and the petitioner is ready and willing to surrender before the trial Court.

Notice of motion.

On the asking of the Court, Mr. Baljinder Singh Virk, Sr. DAG, Haryana, accepts notice on behalf of the respondent-State and he is not adverse to the submissions made by learned counsel for the petitioner that the petitioner is ready and willing to surrender before the trial Court within a period of one week from today and undertakes not to default in future.

In light of the above, considering the bona fide before this Court at the request of the petitioner that he is ready and willing to join the trial Court at this stage though his absence has taken place not on his deliberate or intentional account but due to the reasons mentioned hereinabove which shows sufficient bona fide on his part. Further, this Court keeping in mind the fact that surrendering of petitioner will facilitate early disposal before the trial Court, I deem it appropriate to allow the present petition.

In view of above, the order dated 10.03.2022 (Annexure P-1) is set aside and the petitioner is directed to surrender before the trial Court within a period of 10 days from today. In case of doing so and if any application for bail is moved, then the same may be considered on that very date in accordance with law.

However, this order shall be subject to payment of Rs.10,000/- as costs to be deposited with the Punjab and Haryana High Court Bar Clerks Association whose receipt shall be produced before the trial Court at the time of surrender before the trial Court.

It is made clear that the aforesaid cost is not as a pre-condition for allowing this petition but to compensate as the conduct of the petitioner has caused delay in the trial and has resulted into multiplicity of litigation.

With these observations, the present petition is disposed of.

13.05.2024
D.Bansal

(SANDEEP MOUDGIL)
JUDGE

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