

132

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-23196-2024
Date of Decision: 09.05.2024

Naveen Kumar @ Sonu

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Mukesh Yadav, Advocate for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

This is a petition under Section 482 Cr.P.C. for quashing of the order dated 15.03.2024 (Annexure P-21), 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 15.03.2024 is inappropriate whereby the bail of the petitioner has been cancelled and non-bailable warrants 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 since grant of regular bail by this Court, vide order dated 30.08.2022 passed in CRM-M-34809-2022 (Annexure P-2). The petitioner was appearing on each and every date before the trial Court as is evident from the zimni orders but he could not appear on 15.03.2024 since he was in Indore and he has informed his counsel in this regard and also requested to move an

application for exemption of his personal appearance but due to

miscommunication or the counsel inadvertently moved the application on another ground before the trial Court. He further submits that non-appearance of the petitioner before the trial Court on 15.03.2024 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 petitioner is directed to surrender before the trial Court within a period of one week 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.

09.05.2024

D.Bansal

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No