



CRM-M No.24911 of 2024

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

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**CRM-M No.24911 of 2024  
Date of Decision: 17.05.2024**

**SUNIL****.....Petitioner(s)****Vs****STATE OF HARYANA AND ANOTHER ....Respondent(s)****CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA***

Present: Mr. V.B. Godara, Advocate  
for the petitioner.

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**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 22.01.2024 (Annexure P-6) passed by the Addl. Sessions Judge, Fatehabad whereby bail of the petitioner has been 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, in a criminal appeal filed against the judgment of conviction and order of sentence dated 15.09.2023 petitioner appeared and his sentence was suspended vide order dated 09.10.2023 passed by the Appellate Court and the case was adjourned to 22.01.2024. However, on account of wrong date of hearing noted down by the petitioner as 22.02.2024, he could not appear on the date fixed, resulting into cancellation of his bail followed by forfeiture of his bail bonds/surety bonds to the State and issuance of non-bailable warrants against him.



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[3]. Impugning the aforesaid order dated 22.01.2024, 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 has been further submitted that since 22.01.2024 till today, petitioner never indulged himself in any kind of criminal activity and is ready to surrender before the Appellate Court to join the proceedings.

[4]. Notice of motion to respondent No.1 only. No notice is required to be issued to respondent No.2 at this stage as no prejudice would be caused to the respondent-complainant which may even otherwise burden it towards unnecessary litigation expenses.

[5]. Upon advance notice, Mr. Rajiv Sidhu, D.A.G., Haryana accepts notice on behalf of respondent No.1/State and opposes the prayer made on behalf of the petitioner while submitting that the petitioner despite having knowledge about the pendency of proceedings, deliberately chose not to appear before the Appellate Court resulting into cancellation of his bail and forfeiture of bail bonds/surety bonds to the State, thus the impugned order warrants no interference.

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

[6]. Considering the fact that the petitioner could not appear before the Appellate Court on 22.01.2024 on account of noting down of wrong date of hearing by him and the fact that he never indulged himself in any kind of criminal activity post 22.01.2024 till date and also that he is ready to join the proceedings before the Appellate Court, the present petition is allowed and the order dated 22.01.2024 (Annexure P-6) passed by the Addl. Sessions Judge, Fatehabad is set



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aside with a direction to the petitioner to appear before the Appellate Court within a period of ten (10) days from today and furnish 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 exemptions specifically granted by the Court concerned. Till then, no coercive steps be taken against the petitioner.

[7]. The aforesaid order, however, shall be subject to providing two stretchers with wheels to the Civil Hospital, Fatehabad, Haryana within a period of two weeks from today 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. A copy of the receipt shall also sent to the office Advocate General, Haryana at the earliest for maintaining records in this regard.

May 17, 2024  
Atik

(HARKESH MANUJA)  
JUDGE

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |