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

**CRM-M-24424-2024
Date of decision : 15.05.2024**

RAMAN KHARBANDA

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present : Mr. Parminder Singh, Advocate
for the petitioner.

Mr. Neeraj Sheoran, DAG, Haryana.

KARAMJIT SINGH, J. (ORAL)

1. The present has been filed by the petitioner under Section 482 Cr.P.C. for setting aside the order dated 19.01.2024 (Annexure P-4) passed by the Court of Learned CJM, Ambala, whereby bail of the petitioner was cancelled and he was directed to be summoned through non-bailable warrants of arrest in a criminal case having FIR No.436 dated 02.08.2023 under Sections 61 of Punjab Excise Act (Haryana Amendment Bill, 2020), registered in Police Station Ambala City.

2. Learned counsel for the petitioner submits that the petitioner was granted regular bail by the Court concerned vide order dated 03.08.2023 (Annexure P-2) and thereafter the petitioner was regularly appearing before the trial Court in the remand papers. It is further submitted that police presented challan against the petitioner, at his back on 28.11.2023 and at that time no notice was issued to the petitioner with a direction to him to appear before the learned trial Court on a particular



date. Learned counsel for the petitioner further submits that the petitioner was never informed by the Court concerned that the next date was fixed for 19.01.2024. He further submits that in the given circumstances, the absence of the petitioner before the trial Court on 19.01.2024 when the impugned order was passed, was not intentional. It is further submitted that the petitioner is ready and willing to join the proceedings before the trial Court at the earliest.

3. Notice of motion.

4. Mr. Neeraj Sheoran, DAG, Haryana, accepts notice on behalf of respondent-State and he submits that there is no illegality or infirmity in the impugned order (Annexure P-4) which was passed by the learned Trial Court as per the provisions of law.

5. Admittedly, the petitioner was granted regular bail by the Court concerned vide order (Annexure P-2) dated 03.08.2023. From the perusal of order (Annexure P-3) dated 28.11.2023, it is apparent that challan was presented against the petitioner in his absence by the police and the same was accepted by the trial Court concerned with a direction to fix the case for 19.01.2024 i.e. the date already fixed and finally on 19.01.2024, the impugned order was passed as there is no representation on behalf of the petitioner on that date. However, it appears that the petitioner is ready and willing to join the proceedings before the learned trial Court without any delay.

6. In the light of the above, without expressing opinion on the merits of the case, the present petition is hereby disposed of with a direction to the petitioner to appear before the trial Court within next 10 days. On his doing so, the petitioner is directed to be released on regular bail by the said Court to its own satisfaction subject to costs to Rs.



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3,000/- to be deposited with the District Legal Services Authority concerned.

7. The present petition stands disposed of in the aforesaid terms.

(KARAMJIT SINGH)
JUDGE

15.05.2024
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Whether speaking/reasoned ? Yes/No
Whether Reportable ? Yes/No