



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

**CRM-M-28135-2024
DECIDED ON: 30.05.2024**

HIMANSHU

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

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

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 482 Cr.P.C. seeking quashing of order dated 19.10.2023 (Annexure P-9) and subsequent orders dated 12.12.2023 (Annexure P-10) and dated 15.04.2024 (Annexure P-11) which are outcome of the order dated 19.10.2023 passed by learned Additional Sessions Judge, Ambala in case FIR No.0136, dated 12.04.2021, under Sections 148, 149, 307, 323, 341 and 506 of IPC (Sections 148, 149 and 323 IPC deleted later on and Section 34 IPC added later on), registered at Police Station Naraingarh, District Ambala.

Learned counsel for the petitioner contends that on 19.10.2023 when the case was taken up before the trial Court, the petitioner could not appear as he was suffering from chickenpox and due application for exemption from personal appearance of the petitioner was moved but the same was declined and his bail stands cancelled and bail/surety bonds were forfeited to the State and he was summoned through non-bailable warrants

for 12.12.2023. Thereafter, on 12.12.2023, non-bailable warrants issued against the petitioner were received back unexecuted and notice issued to the surety was also received back unserved and accordingly, fresh non-bailable warrants were issued against the petitioner and fresh notice was issued to the surety for 15.04.2024. On 15.04.2024, non-bailable warrants issued against the petitioner remained unexecuted as such, fresh non-bailable warrants were issued for 08.08.2024.

Though a perusal of the order-sheets dated 19.10.2023 (Annexure P-9), 12.12.2023 (Annexure P-10) and 15.04.2024 (Annexure P-11) reflect the conduct of the petitioner that he did not respond to the non-bailable warrants nor his surety has responded to the notices.

He undertakes that the petitioner will surrender before the trial Court and shall join the trial proceedings without any delay or default in future.

Notice of motion.

On the asking of the Court, Mr. B.S. Virk, Sr. DAG, Haryana accepts notice on behalf of the respondent-State, who is not averse to the undertaking given by the petitioner that he will surrender before the trial Court.

In view of the above, the orders dated 19.10.2023 (Annexure P-9), 12.12.2023 (Annexure P-10) and 15.04.2024 (Annexure P-11) are set aside and the petitioner is directed to surrender before the trial Court within a period of one week from today and apply for regular bail.

In case, such an application for bail is moved by the petitioner before the learned trial Court/Duty Magistrate, the same shall be considered on the same date and decided in accordance with law.

However, it is made clear that in case the petitioner does not abide by the aforesaid undertaking, the respondent shall be at liberty to move an appropriate application for revival of the instant petition.

There is no denial to the fact that due to petitioner’s act, delay has occurred in trial proceedings and has caused prejudice to the other side and the petitioner needs to compensate the complainant for the same and for that reason, he is directed to deposit costs of Rs.10,000/- which shall be paid to the complainant before the trial Court at the time of surrender by the petitioner.

The instant petition is disposed of in the aforesaid terms.

30.05.2024
Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>