

2024:PHHC:080534



(119) **IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-30489-2024
Decided on:-25.06.2024

Himmat Yadav

....Petitioner..

VS.

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Prashant Singh Chauhan, Advocate,
for the petitioner.

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 07.05.2024 (Annexure P-3) passed by learned Chief Judicial Magistrate, Rewari, whereby bail of the petitioner was cancelled and his bail bonds as well as surety bonds were forfeited to the State followed by issuance of non-bailable warrants against him.

2. Briefly stating, having been implicated as an accused in FIR No.52 dated 15.03.2019 registered under Sections 323, 406, 498-A, 506 and 34 IPC (Section 34 IPC deleted later on) at Police Station Sadar, District Rewari, petitioner was granted concession of bail and since then, he was regularly participating in the proceedings. But for 07.05.2024, when petitioner could not appear before the Court due to his illness, resulting into cancellation of bail and forfeiture of bail bonds as well as surety bonds to the

State followed by issuance of non-bailable warrants against him vide order dated 07.05.2024, which has been impugned by way of present petition.

3. Impugning the aforesaid order dated 07.05.2024, 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 was merely due to his illness.

Learned counsel further submits that petitioner is ready to surrender before the Trial Court to join the proceedings. He also submits that the petitioner even volunteers to deposit a sum of Rs.20,000/- in the name of minor daughter, namely, Himanshi.

4. Notice of motion.

5. Upon advance notice, Mr. Gurmeet Singh, AAG, Haryana accepts notice on behalf of the respondent/State and opposes the prayer made on behalf of the petitioner while submitting that despite having knowledge of pendency of proceedings against him, petitioner chose not to submit himself to the jurisdiction of the Court and, thus, order dated 07.05.2024 passed by learned Chief Judicial Magistrate, Rewari, warrants no interference.

6. I have heard learned counsel for the parties and gone through the paper book.

7. Considering the fact that the petitioner could not appear before the Trial Court on 07.05.2024 due to his illness and also that he is ready to join the proceedings before the concerned Court, the present petition is allowed and the order dated 07.05.2024 passed by learned Chief Judicial Magistrate, Rewari is set aside with a direction to the petitioner to appear before the Trial Court within a period of seven (07) days from today and furnish his adequate bail bonds/surety bonds to the satisfaction of the

concerned Court. The aforesaid amount of Rs.20,000/- as volunteered by the petitioner be deposited in the name of minor daughter, namely, Himanshi and be released to her benefit through her maternal grand-parents, who are taking care of her at present. The petitioner shall also file an affidavit that he will appear on each and every date of hearing except in case of the exemption specifically granted by the Court concerned. Till then, no coercive steps be taken against the petitioner.

8. Pending application(s), if any, also stand(s) disposed of.

25.06.2024

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(HARKESH MANUJA)
JUDGE

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