



CRM-M-35095-2024

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

CRM-M-35095-2024

Date of Decision: 25.07.2024

Shubhankar Madan and another

..... Petitioners

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Abhimanyu Singh, Advocate, for the petitioners.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for quashing of impugned order dated 21.09.2023 (Annexure P-4) passed by the Court of Judicial Magistrate First Class, Gurugram, in CHI No.739 of 2022 (which was instituted on 03.03.2022) titled as "State Vs. Siddahant Madan" vide which non-bailable warrants against the petitioners were issued by the trial Court while hearing the case without taking into consideration the fact that it was not intentional on the part of the petitioners not to appear before the trial Court, the same was due to the bonafide reasons as stated in the instant petition.

2. It has been contended by learned counsel for the petitioners that the petitioners were granted bail in the FIR case, however, due to miscommunication, they failed to appear before the Court on the date fixed and thus, they were ordered to be summoned through non-bailable warrants. He submits that complainant in the present FIR is the father of the petitioners and thus, it is a family dispute between the parties due to misunderstanding. He further submits that now both the parties have amicably settled the dispute and already approached this Court by way of filing CRM-M-31380-



2024 praying for quashing of the FIR on the basis of the compromise and the notice has been issued in the same by this Court for recording of statement of the parties vide its order dated 05.07.2024. He submits that absence of the petitioners was totally unintentional and due to the circumstances beyond their control. He further submits that the petitioners are ready to appear before the trial Court and join the proceedings and abide by all the terms and condition, if any imposed by this Court while granting them bail during trial.

3. Notice of motion.

4. Mr. Sumit Jain, Addl. AG, Haryana accepts notice on behalf of the State.

5. Heard. After hearing learned counsel for the parties and perusing the record, it is evident that on 21.09.2023, the petitioners remained absent due to mis-communication and their bail was cancelled and bail bonds/surety bonds were forfeited to the State. As stated by counsel for the petitioners, the complainant is the father of the petitioners and now a petition for quashing the FIR in question on the basis of the compromise, has already been filed before this Court. In these circumstances, when the petitioners are ready to join the proceedings and face the trial, the order dated 21.09.2023 is set aside.

6. The petitioners are directed to appear before the trial Court within a period of 10 days from today and file appropriate application for bail and the trial Court would grant them bail during trial on their furnishing fresh bail/surety bonds to its satisfaction. The petitioners will have protection from arrest for a period of 10 days.

7. Needless to say that in case the petitioners fail to comply with the abovesaid direction within the given time, this order would be of no avail to them and the order dated 21.09.2023 will come in force.
8. The petition stands disposed of in above-said terms.

25.07.2024

sharmila

(RAJESH BHARDWAJ)

JUDGE

Whether Speaking/Reasoned

Whether Reportable

:

:

Yes/No

Yes/No