

2024:PHHC:097985



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

123

CRM M-36647 of 2024
Date of Decision: 01.08.2024

Mohd. Rafique ...Petitioner
Versus
State of Haryana and another ... Respondents

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Sandeep Kumar, Advocate for
Mr. G.C. Shahpuri, Advocate, for the petitioner.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present petition under Section 482 of Cr.P.C. with a prayer to set-aside the impugned order dated 13.09.2023 (Annexure P-2) passed by the Judicial Magistrate 1st Class, Faridabad, whereby, the bail order was cancelled and the bail bonds and the surety bonds of the petitioner were forfeited to the State due to the non-appearance of the petitioner.
2. Learned counsel for the petitioner contends that the petitioner could not appear before the trial Court 13.09.2023 as he was confined in jail in some other case and was released on bail on 12.09.2023 just one day before the date fixed before the trial Court. Learned counsel for the petitioner further submits that due to this reason, the petitioner could not contact his counsel and his absence

before the trial Court was not intentional. Learned counsel submits that the petitioner shall appear on each and every date of hearing and shall not remain absent without the permission of the trial Court.

3. Notice of motion.

4. On the asking of Court, Mr. Ms. Sheenu Sura, DAG, Haryana accepts notice on behalf of respondent-State. Learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that the petitioner did not appear before the trial Court and does not deserve any leniency by this Court.

5. I have heard learned counsel for the parties and perused the record.

6. After perusing the records, this Court finds that there is no illegality in the impugned order 13.09.2023 (Annexure P-2) passed by the Court of Judicial Magistrate 1st Class, Faridabad. However, taking a lenient view of the matter, the petitioner is directed to surrender before the trial Court within a period of 10 days from today and on his appearance, he shall be admitted to bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

7. The petitioner shall file an affidavit before the trial Court that he shall appear on each and every date of hearing and shall not remain absent during the trial without prior permission of the trial

Court. In case, the petitioner does not appear on any date of hearing before the trial Court without prior permission, it shall be viewed seriously and the necessary consequences will follow.

8. Disposed off.

01.08.2024	(N.S.SHEKHAWAT)
amit rana	JUDGE
Whether reasoned/speaking	: Yes/No
Whether reportable	: Yes/No