



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

133

CRM-M-39666-2024

Date of Decision: 14.08.2024

Mithlesh

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Ms. Poorva Gupta, Advocate for the petitioner.

Mr. Surinder Kumar Dagar, DAG, Haryana.

NIDHI GUPTA, J. (ORAL)

Prayer in the first petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 is for quashing of impugned order dated 29.07.2024 passed by learned Additional Sessions Judge, Yamunanagar at Jagadhri (Annexure P-10) vide which the bail of the petitioner has been cancelled; bail bonds and surety bonds have been forfeited; and non-bailable warrants for arrest of the petitioner have been issued for 16.08.2024 while wrongly declining the application seeking exemption from personal appearance on account of medical grounds.

Learned counsel for the petitioner *inter alia* submits that the petitioner was granted regular bail by this Court vide order dated 25.07.2024 passed in CRM-M-34372-2024 (Annexure P-7) in case FIR No. 0162 dated 20.02.2024 registered under Sections 363 and 366-A IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012 at Police Station City Yamunanagar, District Yamunanagar. It is submitted that thereafter the next date before the learned trial Court was



29.07.2024. It is further submitted that as the petitioner was suffering from fever, loose motion, nausea, vomiting, weakness and mild dehydration, he was unable to attend the Court on the said date i.e. 29.07.2024. However, an application for exemption of personal appearance on behalf of the petitioner was duly filed, but as the parents of the petitioner are illiterate persons, inadvertently, the medical certificate of the petitioner could not be attached with the said application. Learned counsel refers to the medical certificate of the petitioner dated 28.07.2024 issued by Balaji Hospital, Model Town, Near Trikona Park, Yamuna Nagar (Annexure P-9); wherein it is duly reflected that the petitioner was suffering from fever, loose motion, nausea, vomiting, weakness and mild dehydration symptoms. Learned counsel contends that the parents of petitioner had appeared in the matter on the said date i.e. 29.07.2024 and had sought permission from the learned trial Court to produce the medical certificate at 02:00 p.m. and the same was duly produced before the learned trial Court. However, the said medical certificate was not accepted and the impugned order dated 29.07.2024 (Annexure P-10) has been passed by the learned trial Court whereby bail of the petitioner has been cancelled; his surety bonds are forfeited; and the petitioner has been summoned by way of non-bailable warrants for 16.08.2024. It is accordingly prayed that the petitioner be granted one opportunity to surrender before the learned trial Court.

Learned counsel for the State has informed that the next date of hearing before the learned trial Court is 16.08.2024.

Keeping in view the facts as noticed above, the present

petition stands allowed. The petitioner is granted one opportunity to surrender before the learned trial Court on 16.08.2024 and the petitioner will be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned upon filing an appropriate application for regular bail which will be acceptable by the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

14.08.2024

Divyanshi

Whether speaking/reasoned:

Whether reportable:

(NIDHI GUPTA)

JUDGE

Yes/No

Yes/No