

2024:PHHC:105553



**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-39838-2024 (O&M)
Date of Decision:-14.08.2024

Deepak Kumar @ Deepa ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Gaurav Vir Singh Behl, Advocate, for the petitioner.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court challenging order dated 23.5.2024 (Annexure P-6) passed by learned Additional Sessions Judge, Ambala, whereby his bail has been cancelled on account of his absence on 23.05.2024.
2. Learned counsel for the petitioner submitted that the petitioner has regularly been appearing before the Additional Sessions Judge, Ambala where his



appeal i.e. CRA-31-2019 is pending and that his absence, if any, was only on 21.4.2023 and 23.5.2024. Learned counsel submits that the petitioner is not only willing to surrender before the Additional Sessions Judge, Ambala on or before the next date of hearing but shall also argue the matter.

3. In view of the aforestated position wherein the petitioner has submitted that he has been regularly appearing before the Additional Sessions Judge, Ambala and has also expressed his willingness to surrender before the Additional Sessions Judge, Ambala and to argue the matter, the instant petition is disposed of with liberty to the petitioner to surrender before the trial court where the appeal is pending and to move a fresh application for suspension of sentence. In case, the petitioner surrenders before the Additional Sessions Judge, Ambala within 15 days from today and moves an application, the Appellate Court shall consider the same sympathically while having due regard to the contention of the petitioner that he has been appearing regularly on the earlier dates and is also willing to argue the matter and while taking into account the observations made in concluding paragraph of judgment passed by this Court in CRM-M-39172 of 2021 titled Pawan Kumar Vs. State of Haryana and another decided on 21.9.2021, which reads as under:

“12. Before parting with this order, it needs to be added that this Court cannot lose sight of the fact that there would be certain cases where an accused is unable to appear before the trial Court on account of genuine reasons, say on account of having noted the date incorrectly or on account of certain reasons which are beyond his control. In such cases, the accused can surrender before the trial Court and it is expected that the trial Courts would take a



CRM-M-39838-2024 (O&M) (3)

lenient view in genuine cases and decide the regular bail application expeditiously. In a given set of circumstances where the trial Court is satisfied that there were valid reasons for the absence of an accused and that he has surrendered at the shortest possible time, the trial Court can in fact dispose of the regular bail application on the very day the same is presented by accused upon his surrender. The trial Court, in its discretion, may also chose to grant interim bail, in fit cases, but only after surrender of accused.”

4. The petition stands disposed off accordingly.

14.08.2024
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No