



CRM-M-41931-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-41931-2024
Date of decision : 11.09.2024

Hans Raj @ Hansa

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Navmohit Singh, Advocate
for the petitioner.

Mr.Jagdish Manchanda, Addl.A.G. Haryana.

VIKAS BAHL, J.(ORAL)

1. This is a first petition filed under Section 528 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 for setting aside the order dated 14.05.2024
passed by the Additional Sessions Judge, Charkhi Dadri in FIR no.324
dated 25.08.2018 registered under Sections 120B, 148, 149, 307, 232, 427
and 452 IPC and Section 25 of the Arms Act at Police Station City Dadri
whereby the bail was cancelled and bonds were forfeited and arrest
warrants were issued.
2. On 30.08.2024, this Court was pleased to pass the following
order:-

*“Inter alia contends that in the present case, the
petitioner was granted regular bail vide order dated
22.02.2019 and the matter was settled with the*



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complainant/injured-Rakesh, however, unfortunately the said complainant-Rakesh died and his brother had appeared as PW2, who had been declared hostile vide order dated 03.03.2023. It is submitted that on 14.05.2024, the petitioner was in Rajasthan and was unable to reach Charkhi Dadri due to traffic jam on account of the death of Agniveer and he made a video of the said traffic jam and had sent the same to his Advocate. It is submitted that the petitioner undertakes to appear before the trial Court within a period of one week from today and further undertakes that he would appear on each and every date unless his appearance is specifically exempted. It is further submitted that since on account of non-appearance of the petitioner, PW-Saroj Devi, who was a private witness, could not be examined, thus, the petitioner is ready to compensate the said PW-Saroj Devi.

Notice of motion for 11.09.2024.

In the meantime, in case, the petitioner appears before the trial Court within a period of one week from today, the trial Court is directed to release the petitioner on bail on his furnishing bail bonds/surety bonds to the satisfaction of the concerned trial Court. The same would be subject to the petitioner depositing an amount of Rs.10,000/- within the stipulated time with the trial Court, which would be paid to the said PW-Saroj Devi by the trial Court for the inconvenience caused to her and would also be subject to the petitioner giving an undertaking to the trial Court that he would appear before the trial Court on each and every date unless there arises an exceptional circumstance for which he would file an appropriate application for exemption informing the State at least one day prior to the date of hearing.

To be taken up in the urgent list.

30.08.2024”



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3. Learned counsel for the petitioner has produced the order dated 02.09.2024 passed by the Sessions Judge, Charkhi Dadri in the Court, which is taken on record as Mark A and has highlighted the fact that in pursuance of the order dated 30.08.2024 passed by this Court, an amount of Rs.10,000/- has been deposited and also undertaking has been furnished. It is submitted that the petitioner would abide by the said undertaking.
4. Keeping in view the above said facts and circumstances, the present petition is allowed and the order dated 30.08.2024 is made absolute.

(VIKAS BAHL)
JUDGE

September 11, 2024.
Davinder Kumar

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