



CRM-M-47996-2024

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

CRM-M-47996-2024

Date of Decision: 25.09.2024

Rakesh Babbar

..... Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Ms. Sushma Chopra, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for quashing of the order dated 13.09.2024 (Annexure P-5) passed by learned Judicial Magistrate First Class, Gurugram in a criminal complaint No.NACT/32430/2016 instituted on 03.10.2018 titled as Aradhana Chanana vs. M/s International Recreation, vide which the bail of the petitioner was cancelled and bail bonds were forfeited to the State and he was directed to be summoned through non-bailable warrants. It is further prayed that the petitioner be granted bail on the same surety bonds which was forfeited vide impugned order.

2. It has been contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present FIR. She submits that the petitioner was granted bail and thereafter, he appeared before the trial Court regularly. She submits that the present complaint was transferred to one Court to another Court, which fact came to the knowledge of the counsel for the petitioner on 13.09.2024 itself. She submits that on 13.09.2024 there was heavy rain in Gurugram, the petitioner could not appear before the trial Court, due to which his bail was cancelled and bail



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bonds were forfeited to the State and summoned through non-bailable warrants. She submits that absence of the petitioner was totally unintentional and due to the circumstances beyond his control. She further submits that the petitioner is ready to appear before the trial Court and join the proceedings and also abide by all the terms and condition, if any imposed by the Court.

3. Notice of motion to the official respondent only.

4. Mr. Sumit Jain, Addl. AG, Haryana accepts notice on behalf of the State. He has submitted that the bail bonds/surety bonds of the petitioner were rightly forfeited by the State as he failed to appear in the Court on the date fixed.

5. After hearing learned counsel for the parties and perusing the record, it is evident that on 13.09.2024, due to non-appearance of the petitioner, his bail was cancelled and bail bonds/surety bonds were forfeited to the State and non-bailable warrants were issued against him. In these circumstances, when the petitioner is ready to join the proceedings and to face the trial, the order dated 13.09.2024 is set aside subject to payment of Rs.10,000/- as costs to be paid to the complainant by the petitioner on 14.10.2024 i.e. the date already fixed before the trial Court, by depositing the same before the trial Court.

7. The petitioner is directed to appear before the trial Court on the date already fixed before it i.e. 14.10.2024 and file appropriate application alongwith costs of Rs.10,000/- and the trial Court would grant him bail on the bail/surety bonds already furnished by him. The petitioner will have protection from arrest till 14.10.2024. The costs of Rs.10,000/- shall be paid

to the complainant forthwith on his appearance before the trial Court.

8. Needless to say that in case the petitioner fails to comply with the abovesaid direction, this order would be of no avail and the order under challenge will come in force.

9. The present petition stands disposed of in the above-said terms.

25.09.2024			(RAJESH BHARDWAJ)
sharmila			JUDGE
	Whether Speaking/Reasoned	:	Yes/No
	Whether Reportable	:	Yes/No