

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

106

CRM-M-48898-2024

Date of Decision : September 30, 2024

RADHEY SONI

-PETITIONER

V/S

STATE OF HARYANA

-RESPONDENT

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Hariom Sharma, Advocate
for the petitioner.

Mr. Rajesh Gaur, Addl. A.G., Haryana.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner seeks the relief of anticipatory bail, in case FIR No.304 dated 09.07.2021, under Sections 406, 420 of the IPC, 1860, registered at P.S. Sector 5, District Panchkula.

2. Record reveals that, consequent upon the petitioner becoming produced before the learned trial Court concerned, on production warrants, he was granted the concession of regular bail, vide order dated 13.09.2022. However, owing to his non appearance before the learned trial Court concerned on 29.03.2023, his bail was cancelled and his bail/surety bonds were forfeited, as is evident from order dated 29.03.2023 (Annexure P-2). Moreover, warrants of arrest were also issued against him.

3. The learned counsel for the petitioner submits that the absence of the petitioner before the learned trial Court concerned was neither intentional nor willful, rather was *bona fide*. In fact, during the period

27.08.2022 to 02.09.2023, the petitioner was confined in judicial custody at Central Jail, Ambala, in some other case, and, owing to some miscommunication between the petitioner and the counsel representing him before the learned trial Court concerned, the petitioner remained absent on the said date. He further submits that the petitioner is ready and willing to surrender before the learned trial Court concerned, in case adequate protection is granted to him.

4. Be that as it may, this Court is of the view that, since the need of the hour is to secure the presence of the petitioner, therefore, the petitioner is directed to surrender before the learned trial Court concerned within 10 days. The learned Court concerned is also directed to, in case the petitioner surrenders and files an application for regular bail, decide it on the same day itself, but, after affording opportunity of hearing to all concerned. The arrest of the petitioner shall remain stayed for the next 10 days.

5. Disposed of accordingly.

September 30, 2024
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(KULDEEP TIWARI)
JUDGE

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