



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

118

CRM-M-48904-2024(O&M)
Date of Decision: 30.09.2024

NITIN
STATE OF HARYANA

VERSUS

....Petitioner
....Respondent

CORAM : HON’BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Sachin Kaushik, Advocate for the petitioner.
Mr. Arjun Lakhanpal, Addl. A.G. Haryana.

MANISHA BATRA, J. (Oral)

1. The instant petition has been filed by the petitioner seeking quashing of order dated 13.12.2023 whereby the bail of the petitioner was cancelled and his bail bonds was forfeited and nonailable warrants had been issued against him as well as order dated 02.08.2024 whereby proclamation had been ordered to be issued against him in case arising out of FIR No.439 dated 13.08.2017 registered under Sections 471, 468, 420, 419 IPC at Police Station Thanesar Sadar, Kurukshetra titled as “State Vs. Nitin and Anr.” in case bearing no. CHI/1324/2017.
2. Briefly stated, the petitioner along with co-accused is facing trial in the aforementioned case. He did not appear before the learned trial Court on 13.12.2023 due to which his bail was cancelled and bonds were forfeited to the State and nonailable warrants had been issued. As the same were received back unexecuted, learned trial Court has initiated proceedings under Section 82 of Cr.P.C. It has also been revealed that on 05.09.2024, the



proclamation issued against the petitioner had been received back duly effected. However, presently the case has been adjourned by the learned trial Court to 04.10.2024 for securing presence of the petitioner. Meaning thereby that the petitioner has not formally been declared a proclaimed person in this case so far. It is submitted by learned counsel for the petitioner that his absence on 13.12.2023 was not intentional but due to the fact that he was apprehending his arrest in another case arising out of FIR No.28 dated 20.01.2023 registered at Police Station Baldev Nagar, Ambala. Due to that reason, he could not appear before the Court. It is submitted that he is ready to join the proceedings before the learned trial Court and is ready to abide by all the terms and conditions to be imposed upon him. Hence, it is urged that the petition be allowed and the impugned order be set aside.

3. Heard.

4. Admittedly, the petitioner was granted concession of bail by the learned trial Court and had been appearing before it. He absented on 13.12.2023 due to which his bail was cancelled and nonailable warrants had been issued against him and now proclamation proceedings have been initiated which are pending for 04.10.2024. The absence of the petitioner on 13.12.2023 has been justified. Though his absence on subsequent dates has not been explained but in the opinion of this Court, the same does not attract the consequences of detaining him in the custody, keeping in view the fact that he is ready to appear before the concerned Court to face trial. As such, the petition is disposed of with direction to the petitioner to surrender before



the trial Court on or before date fixed i.e. 04.10.2024. In case of his surrender, learned Court shall release the petitioner on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

5. A copy of this order be sent to concerned Court.

30.09.2024
Deepak Patwal

(MANISHA BATRA)
JUDGE

- 1. Whether speaking/reasoned : Yes/No
- 2. Whether reportable : Yes/No