

2024:PHHC:128850



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

Sr. No.121

**CRM-M-48622-2024 (O&M)
Date of decision : 27.09.2024**

Chetan Chauhan

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Ankur Lal , Advocate, for the petitioner.

KIRTI SINGH, J. (Oral)

The present petition has been filed under Section 528 of BNSS, 2023 for quashing the impugned order dated 22.08.2024 (Annexure P1) vide which bail orders/bail bonds/surety bonds of the petitioner have been cancelled in the case FIR No.195 dated 28.05.2023 under Sections 120-B, 406 & 420 IPC, registered at Police Station Dharuhera, District Rewai in case CHI 789 of 2024 trial case pending before learned ACJM, Rewari.

2. Learned counsel for the petitioner submits that the petitioner was granted bail in FIR No.195 dated 28.05.2023 by the learned trial Court and he was regularly appearing before the trial Court. He submits that however, as the petitioner was informed by his counsel about the wrong date, hence he could not appear on the date fixed before the trial Court i.e. 22.08.2024 and thus, bail granted to him was cancelled by the trial Court and the bail bonds/surety bonds were forfeited to the State. He submits that the petitioner is ready to appear before the trial Court and abide by all the terms and conditions imposed upon him by the learned trial Court.

3. Notice of motion to the official respondents at this stage.

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4. At asking of the Court, Mr. Gaurav Bansal, DAG, Haryana, accepts notice on behalf of respondent-State and waives service.

5. Heard.

6. The objective of the coercive mechanism prescribed under the Code of Criminal Procedure is to ensure that the accused remains present before the Court to receive the orders and punishments as are passed qua the accused. If the accused shows his sincere intention and desire to appear before the Court, then it would not be unjustified to protect him from being arrested.

7. On hearing learned counsel for the parties and perusing the record, it is apparent that the petitioner was granted bail by the trial Court, however, he could not appear before the trial Court on one date i.e. 22.08.2024 and on account of the same, his bail bonds/surety bonds were cancelled. The petitioner is ready to appear before the trial Court and face the trial.

8. This Court finds that no useful purpose will be served by sending the petitioner in custody when he was continuously appearing before the trial Court but could not appear on one date. The reason for which he has given that he noted a wrong date is genuine and now he is ready to join the proceedings.

9. In view of the above, the present petition is allowed and order dated 22.08.2024 (Annexure P1) is hereby set aside **subject to payment of cost of Rs.10,000/- by the petitioner to be deposited with the Poor Patient Welfare Fund, PGIMER Chandigarh** within a period of 15 days from today. The petitioner after depositing the cost as stated above would

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appear before the trial Court on the next date fixed and file appropriate application along with receipt of payment of cost. The trial Court would release the petitioner on the same bail bonds and surety bonds. No coercive action would be taken against the petitioner till the next date fixed. In case, the petitioner failed to appear before the trial Court on the next date fixed or failed to deposit the cost as stated above, this order would be of no avail to the petitioner.

Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

27.09.2024
Ramandeep Singh

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