



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-49394-2024
DECIDED ON: 01.10.2024

NARESH KUMARPETITIONER

VERSUS

STATE OF HARYANARESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Balraj Singh Dhull, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 528 of BNSS, 2023 for quashing of order dated 11.05.2022 passed by Addl. Sessions Judge, Kaithal in FIR No.16, dated 04.02.2020, under Sections 279, 304-A IPC, registered at Police Station Titram, whereby bail bonds and surety bonds of the petitioner has been cancelled and forfeited to the State and non-bailable warrants have been issued against the him.

Learned counsel for the petitioner submits that it is only on one occasion i.e. on 11.05.2022, when the petitioner could not appear before the trial Court, otherwise, he has been continuously appearing on each and every date. He further submits that the petitioner was absent on the said date due to depression and illness, as his young son died. Due to his absence on 11.05.2022, his bail stands cancelled and bail/surety bonds were forfeited to the State and he was summoned through non-bailable warrants for 20.10.2022.

He undertakes that the petitioner will surrender before the trial Court and shall join the trial proceedings without any delay or default in future.

Notice of motion.

On the asking of the Court, Mr. Chetan Sharma, DAG, Haryana accepts notice on behalf of the respondent-State, who is not averse to the

undertaking given by the petitioner that he will surrender before the trial Court.

In view of the above, the petitioner is directed to surrender before the trial Court within a period of 10 days from today and apply for regular bail.

In case, such an application for bail is moved by the petitioner before the learned trial Court, the same shall be considered on the same date and decided in accordance with law.

However, it is made clear that in case the petitioner does not abide by the aforesaid undertaking, the respondent/State shall be at liberty to move an appropriate application for revival of the instant petition.

There is no denial to the fact that due to petitioner’s act, delay has occurred in trial proceedings and has caused prejudice to the other side and to compensate the delay which is caused by the petitioner alone, he is directed to deposit costs of Rs.10,000/- with the Punjab and Haryana High Court Bar Clerks Association, Chandigarh and a receipt of the same be produced before the trial Court and only in that eventuality, application of the petitioner for seeking bail be considered and decided on the same day.

The instant petition is disposed of in the aforesaid terms.

01.10.2024

Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No