

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

113

CRM-M-54430-2024

Date of Decision : November 04, 2024

HIMANSHU

-PETITIONER

V/S

STATE OF HARYANA

-RESPONDENT

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Lalit Kumar Yadav, Advocate
for the petitioner.

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

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition, as instituted under Section 528 of the B.N.S.S., a prayer is made for setting aside the order dated 09.09.2024 (Annexure P-2), as passed by the learned Sessions Judge, Hisar, whereby, the bail of the petitioner has been cancelled and his bonds have been forfeited to the State. In addition, warrants of arrest have also been issued against the petitioner.

2. The learned counsel for the petitioner submits that the absence of the petitioner before the learned trial Court was neither intentional nor wilful, rather was *bona fide*. What led to the petitioner remaining unrepresented before the learned trial court on the relevant date, was that, he inadvertently noted down wrong next date of hearing.

3. Although the learned counsel for the petitioner made a vociferous attempt to assail the validity of the impugned order (Annexure P-2), however, he failed in his endeavour. In the above scenario, the learned counsel for the petitioner makes a request that the petitioner does

not have any intention to escape from the clutches of law and he is ready and willing to join the trial proceedings, in case he is granted adequate protection.

4. Although this Court does not find any illegality or perversity in the impugned order (Annexure P-2), however, considering the innocuous prayer of the learned counsel for the petitioner, coupled with the fact that the underlying object behind issuance of “warrants of arrest”, which is in fact to secure the presence of an accused for facing trial, can be achieved through the petitioner becoming directed to cause appearance before the learned trial Court, therefore, the instant petition is disposed of with a direction to the petitioner to appear before the learned trial Court within 15 days from today. In case, the petitioner appears within the above stipulated period and furnishes fresh bail/surety bonds to the satisfaction of the learned trial Court, he shall be released on regular bail. The operation of the impugned order (Annexure P-2) shall remain stayed for the next 15 days.

5. However, in case, the petitioner fails to appear before the learned trial Court concerned within the above stipulated period, the protection granted hereinabove *qua* his arrest shall stand *ipso facto* vacated, without any further reference to this Court.

6. Disposed of accordingly.

November 04, 2024
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(KULDEEP TIWARI)
JUDGE

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