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

CRM-M-57809-2024**Date of Decision: 20.11.2024**

Shivam alias Shiva

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Siddarth, Advocate
for the petitioner.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to quash the order dated 09.07.2024 (Annexure P-2) and 02.08.2024 (Annexure P-3), passed by the Court of Additional Sessions Judge, Yamuna Nagar in case FIR No.497, dated 27.12.2021 under Sections 148, 149, 323, 379-B, 506 of IPC and Sections 25, 54, 59 of Amrs Act, registered at Police Station Gandhi Nagar, District Yamuna Nagar, whereby, the bail order of the petitioner was ordered to be cancelled and his bail bonds and surety bonds were forfeited in favour of the State and warrants of arrest were issued against him.

2. Learned counsel for the petitioner contends that the petitioner was falsely involved in the present case. The petitioner was arrested in the present case on 01.07.2022 and thereafter, the petitioner was granted the concession of regular bail by this Court. Learned counsel further submits that the petitioner had been regularly appearing before the trial Court. However, on account of some communication gap between the petitioner and his counsel, the petitioner



could not appear before the trial Court on 09.07.2024. He further contends that the petitioner is ready to surrender before the trial Court and shall appear on each and every date of hearing during the trial.

3. Notice of motion.

4. Ms. Sheenu Sura, DAG, Haryana, accepts notice on behalf of the respondent-State.

5. Learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the petitioner had not appeared intentionally before the Trial Court and there is no illegality in the impugned order dated 09.07.2024 passed by the Court below and the petitioner does not deserve the concession of bail.

6. I have heard the learned counsel for the parties and perused the record.

7. It is not in dispute that that the petitioner was on bail earlier and was regularly appearing before the Trial Court, however, on 09.07.2024, he could not appear before the Trial Court due to some communication gap between the petitioner and his counsel. Thus, taking a lenient view of the matter, the petitioner is permitted to surrender before the Trial Court/Duty Magistrate within a period of two weeks from today and on his surrender, he shall be admitted to bail subject to furnishing bail bonds and surety to the satisfaction of the concerned Court.

8. At the time of furnishing of bail bonds, the petitioner shall also file an affidavit before the concerned Court that he shall continue to appear before

the Court on each and every date of hearing and shall not absent himself during the court proceedings, except with prior permission of the Court.

9. The Trial Court/Duty Magistrate shall also be at liberty to impose any other conditions, as it deems fit in the peculiar facts and circumstances of case.

10. The petition stands allowed in the above terms.

20.11.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No