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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-63995-2023

Date of Decision: 23.07.2024

R.K. CARS RENTAL

... Petitioner

Versus

STATE OF HARYANA AND ANOTHER

... Respondents

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Sahil Goel, Advocate and
Ms. Ritika Chugh, Advocate for the petitioner.
Mr. Surender Singh, AAG, Haryana.

SANJIV BERRY, J. (ORAL)

The instant petition under Section 482 Cr.P.C. has been moved by the petitioner seeking quashing of the order dated 07.10.2023 (Annexure P-3) passed by learned Additional Sessions Judge, Hisar, whereby the application for exemption moved by the petitioner had been dismissed and the petitioner has been ordered to be served through non-bailable warrants for 22.12.2023.

2. Learned counsel for the petitioner *inter alia* contends that in compliance of the order dated 19.12.2023, petitioner appeared before the learned trial Court on 22.12.2023 and furnished requisite bail bonds and surety bonds and placed on record copy of order dated 22.12.2023 passed by Additional Sessions Judge, Hisar. He contends that since the petitioner had joined the trial Court proceedings, as such the order dated 07.10.2023



(Annexure P-3) passed by learned Additional Sessions Judge, Hisar, whereby the application for exemption moved by the petitioner had been dismissed and the petitioner has been ordered to be served through non-bailable warrants for 22.12.2023, be quashed.

3. Learned State counsel on instructions has not disputed the aforesaid factual matrix of the case and submits that petitioner appeared on 22.12.2023 before the learned trial Court and furnished requisite bail bonds.

4. Heard.

5. During the course of the proceedings, following order was passed on 19.12.2023:-

“ By way of present petition under Section 482 Cr.P.C. the petitioner has sought quashing of the impugned order dated 07.10.2023 passed by learned Additional Sessions Judge, Hisar, whereby the application for exemption moved by the petitioner had been dismissed and the petitioner has been ordered to be served through non-bailable warrants for 22.12.2023.

2. It is inter alia contended by learned counsel for the petitioner that the petitioner after having been granted the concession of bail had been regularly appearing in the Court on each and every date, but he could not appear in the Court on the previous date due to some family problem and moved an application for exemption from personal appearance, which was allowed, however, on 07.10.2023, petitioner could not appear and an application for exemption from personal appearance was moved, which was declined by the learned Court. She submits that the absence of the petitioner was not intentional but due to certain family problems beyond his control and submits that the petitioner is ready to appear in the Court and in future he will regularly appear on each and every date of hearing without fail. 3. Notice of motion for 25.01.2024.

4. Dasti as well.

5. In the meanwhile, petitioner is directed to appear before the Court of learned Additional Sessions Judge, Hisar on 22.12.2023, the date already fixed and in that event, he is ordered to be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the concerned Court/Duty Magistrate. The petitioner will also furnish a specific undertaking that in future he



will appear on each and every date of hearing without fail and only in case of extreme exigency will he seek prior exemption from the Court in accordance with law. He shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.

6. Keeping in view the fact that the petitioner has already appeared on 22.12.2023 before the learned trial Court and furnished his requisite bail/surety bonds consequent to the order dated 19.12.2023, passed by this Court, the present petition is allowed and order dated 07.10.2023 (Annexure P-3), passed by learned learned Additional Sessions Judge, Hisar, whereby the application for exemption moved by the petitioner had been dismissed and the petitioner has been ordered to be served through non-bailable warrants for 22.12.2023 is hereby set aside and the interim bail granted vide order dated 19.12.2023 is hereby confirmed.

7. The Petition stands disposed of.

(SANJIV BERRY)
JUDGE

23.07.2024

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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | Yes |