



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

137

CRM-M-60209-2024

DATE OF DECISION: 02.12.2024

MANOJ KUMAR GUPTA

...PETITIONER

Versus

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Naresh Kumar, Advocate and
Mr. Nandan Kumar, Advocate for the petitioner(s).

Mr. B.S.Virk, Sr. DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 482 of the Code of Criminal Procedure, 1973 for quashing the Order dated 01 May 2024 (Annexure P5) whereby the Petitioner's bail was cancelled and the bail bonds and surety bonds due to non-appearance on one date i.e. 01 May 2024.

Learned counsel for the petitioner submits the petitioner could not appear in Court on one date i.e. 01.05.2024 on account of ill health of her mother as he had to accompany her to the hospital and the petitioner informed his Counsel but due to oversight or late intimation, his counsel could not file application for exemption and the Trial Court passed the impugned order. He further submits that the petitioner did not had any intention to avoid attendance in the Court proceedings otherwise he was appearing regularly on each and every date before the Court. 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, learned State Counsel 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.

Considering the submissions made by learned counsel and also in appreciation of the fact that it will only speed up the proceedings before the Trial Court which is one of the essence as enshrined under Article 21 of the Constitution of India, the petitioner is directed to surrender before the trial Court within a period of one week 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.

The aforesaid order/concession to the petitioner shall be subject to payment of costs of Rs.10,000/- to be deposited with the Punjab and Haryana High Court Bar Clerk 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 in accordance with law.



The instant petition is disposed of in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

02.12.2024
anuradha

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>