



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-59835-2024 (O&M)

Date of Decision: 20.12.2024

Mohammad Sohail

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - None for the petitioner.

Mr. Aditya Pal Singla, A.A.G., Haryana.

Mr. Dharmendra Kumar Mishra, Advocate and
Mr. Neeraj Deswal, Advocate for the complainant.

NIDHI GUPTA, J. (ORAL)

Prayer in the present petition is for setting aside order dated 14.11.2024 (Annexure P-1) passed by the learned Additional Sessions Judge, Gurugram in SC No. 93/2020 arising out of FIR No. 147 dated 20.03.2015 registered under Sections 13(C), 14(1), 23 of the Protection of Children from Sexual Offences Act, 2012; Sections 469, 471, 120-B of the IPC, 1860; and Section 67-B of the Information Technology Act, 2002 at Police Station Palam Vihar, Gurugram, whereby the application of the petitioner (Annexure P-7) seeking exemption from personal appearance before the trial Court for 14.11.2024 has been dismissed and non-bailable warrants has been issued against the petitioner.

On the last date of hearing i.e. 02.12.2024, following order was passed by this Court:-

“Prayer in the present petition is for setting



aside order dated 14.11.2024 Annexure P-1 passed by the learned Additional Sessions Judge, Gurugram, whereby the application of the petitioner Annexure P-7 seeking exemption from personal appearance before the trial Court for 14.11.2024 has been dismissed and non-bailable warrants has been issued against the petitioner.

Learned counsel for the petitioner contends that challan in the present case was filed on 17.12.2019 and charges framed on 25.8.2023. It is submitted that during the entire trial the petitioner has been regularly appearing before the learned trial Court. This was the first application filed by the petitioner seeking exemption for the ground mentioned therein i.e. the petitioner is admittedly a journalist and he had to travel to Kanpur on account of election and could not return back on the same date. Learned counsel submits that given the above said facts no ground is made out for passing of the impugned order.

Learned counsel for the complainant opposes the prayer made on behalf of petitioner, however, admits that the petitioner is regularly appearing before the learned trial Court.

Learned counsel for the petitioner further informs that the next date before the trial Court is 17.12.2024. It is accordingly prayed that the impugned order be set aside, and the petitioner may be permitted to surrender before the learned trial Court.

I have heard learned counsel for the parties and gone through the case file.

In view of the above and keeping in view the totality of the facts and circumstances of the case, but without commenting upon the merits of the case, the impugned order dated 14.11.2024 is set aside. The petitioner is directed to surrender before the learned trial Court/Duty



Magistrate on or before 18.12.2024 and move an application for regular bail, which shall be considered and disposed of by the learned trial Court/Duty Magistrate on the same day, by accepting fresh bail/surety bonds to be furnished by the petitioner to its satisfaction.

Adjourned to 20.12.2024 to report compliance.”

In compliance of order dated 02.12.2024 passed by this Court, learned Additional district & Sessions Judge, Fast Track Special Court for the offences under POCSO Act, 2012, Gurugram has submitted his report dated 13.12.2024 duly forwarded by the learned District and Sessions Judge, Gurugram on 16.12.2024, which reads as under:-

“.....that petitioner-accused Mohammad Sohail has surrendered before this Court on 12.12.2024 and moved an application for regular bail, which has been considered and disposed off by this Court on the same day by accepting bail/surety bonds furnished by the petitioner-accused.”

In view of the above, nothing survives in the present petition and the same stands disposed of.

Pending application, if any, stands disposed of.

20.12.2024
Divyanshi

(NIDHI GUPTA)
JUDGE

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