

135

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-65244-2023
Date of decision: 08.01.2024

Arun

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

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

Mr. Neeraj Sheoran, DAG, Haryana.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed under Section 482 of Cr.P.C for quashing of order dated 15.11.2022 (Annexure P-1) passed by the Ld. SDJM Meham whereby the bail granted to the petitioner was cancelled on account of his non appearance before the trial Court and order dated 07.12.2023 (Annexure P-2) passed by the learned trial Court whereby the proclamation of the accused under Section 82 Cr.P.C has been issued.
2. Counsel for the petitioner submits that the petitioner was granted regular bail by the Court concerned vide order dated 31.07.2019 Annexure P-4 and thereafter, the petitioner was regularly appearing before the trial Court but due to some unavoidable circumstances, the petitioner failed to appear before the trial Court on 15.11.2022 and consequently, the

impugned order Annexure P-1 was passed by the said Court without taking into consideration the fact that it was first default on the part of the petitioner. Counsel for the petitioner further submits that thereafter order Annexure P-2 was passed by the learned trial Court in hasty manner whereby the proclamation of the petitioner under Section 82 of Cr.P.C has been issued. Counsel for the petitioner further submits that the petitioner is ready to join the proceedings before the learned trial Court and in future he will remain careful.

3. Notice of motion.

4. Mr. Neeraj Sheoran, DAG, Haryana accepts notice on behalf of State and submits that the petitioner got absent on 15.11.2022 without any intimation to the trial Court and consequently, order Annexure P-1 was passed by the trial Court and thereafter warrants of arrest of the petitioner were issued and he failed to respond to the same and consequently, the trial Court passed the order Annexure P-2 whereby the proclamation of the petitioner was issued under Section 82 Cr.P.C. It is further contended that there is no illegality or perversity in the impugned orders.

5. I have considered the submissions made by counsel for the parties.

6. Undisputedly, the petitioner was granted regular bail in this case vide order dated 31.07.2019 Annexure P-4 and thereafter the petitioner jumped the bail on 15.11.2022 and accordingly, his bail bonds were cancelled and the petitioner was directed to be summoned through warrants of arrest by the trial Court and subsequently order Annexure P-2 was passed by the trial Court whereby proclamation of the petitioner has been issued for

27.03.2024. As per the counsel for the petitioner, it was first default on the part of the petitioner when he got absent on 15.11.2022.

7. In the given circumstances, in order to avoid further delay in trial, the present petition is hereby disposed of with directions to the petitioner to appear before the trial Court within next 10 days and on doing so, the petitioner is directed to be released on regular bail by the said Court subject to its satisfaction subject to cost of Rs.5,000/- to be deposited by the petitioner with the District Legal Services Authority concerned.

08.01.2024
Yogesh

(KARAMJIT SINGH)
JUDGE

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