

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

CRM-M-64241-2024

Date of decision : 19.12.2024

Sudhir @ Mota

.....Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Devender Arya, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

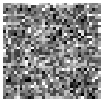
1. Prayer in the present petition is for quashing/setting aside of order dated 21.09.2022 (Annexure P-4) passed by learned Judicial Magistrate Ist Class, Narnaul, whereby the bail of the petitioner stands cancelled and his bonds were forfeited to the State and presence of petitioner be procured through warrant of arrest in FIR No.224 dated 22.04.2019 under Section 42 of Prisons Act, registered at Police Station City Narnaul, District Mahendergarh, Haryana.

2. It has been contended by counsel for the petitioner that petitioner was regularly appearing before the trial Court. However, on 21.09.2022, petitioner was unable to appear due to a critical and urgent situation involving his grandfather's health and he remained absent from the Court and his bail order was cancelled. He submits that the petitioner has no criminal antecedents and he is ready to join the proceedings and abide by the terms and conditions of bail, imposed by the Court.

3. Notice of motion.

4. On asking of the Court, Mr. Tanuj Sharma, A.A.G., Haryana. accepts notice on behalf of the respondent-State.

5. Learned State counsel has opposed the submissions made by learned counsel for the petitioner and has stated that the trial Court has



rightly cancelled the bail granted of the petitioner who remained absent on 21.09.2022 without any valid reason.

6. After hearing counsel for the petitioner and perusing the record, it is apparent that the petitioner remained absent on 21.09.2022 and his bail was cancelled and bail bonds were forfeited to the State and non-bailable warrants were issued against him. The reason for his absence was given that due to his grandfather’s critical situation he could not appear before the Court. The petitioner is keen to join the proceedings. So keeping in view the abovesaid facts, the present petition is disposed of and the order dated 21.09.2022 is *set aside* subject to payment of Rs.5,000/- as costs to be paid to the **“Day Care Centre for Elderly Disabled in home for old & Destitute People, Sector-15 Chandigarh’** by the petitioner within one week from today. In case, the petitioner appears and surrenders before the Court concerned within a period of 10 days from today and files an application for bail alongwith receipt of abovesaid costs, the Court concerned is directed to admit him to bail subject to its satisfaction and proceed with the trial in accordance with law. He will have protection from arrest for a period of 10 days from today.

7. Needless to say that in case the petitioner fails to comply with the abovesaid direction, he will have no benefit of abovesaid protection granted by this Court and order under challenge dated 21.09.2022 would automatically come in force.

19.12.2024
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(RAJESH BHARDWAJ)
JUDGE

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