

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-3009-2025

Date of decision: 05.02.2025

GAURAV ALIAS GOURAV

....PETITIONER

Versus

STATE OF HARYANA

...RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

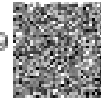
Present: - Mr. Rohit Aggarwal, Advocate for the petitioner.

Mr. Ramender Singh Chauhan, AAG, Haryana.

SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 528 of BNSS, 2023, petitioner seeks quashing of impugned order dated 08.11.2024 (Annexure P-3) passed by the learned Judicial Magistrate Ist Class, Sonipat, in case bearing No. CHI/756/2024 titled '*State of Haryana Versus Nitin Dabas and others*', in case FIR No.17 dated 26.02.2024 registered under Sections 120-B, 420, 467, 468, 471 of IPC at P.S. Cyber Crime, Sonapat, whereby the learned trial Court has dismissed the application of the exemption from personal appearance filed by the petitioner and also cancelled the bail of the petitioner and issued non-bailable warrants of arrest against the petitioner in an illegal and arbitrary manner.

2. It is, *inter alia*, contended by learned counsel for the petitioner that in compliance to the order passed by this Court on 20.01.2025, the petitioner has appeared before the learned trial Court and furnished the requisite bail bonds. In support of his contention, he has placed on record



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copy of order dated 27.01.2025 passed by learned Judicial Magistrate Ist Class, Sonipat, in this regard.

3. This aspect is not disputed by learned State counsel.
4. During the course of hearing on 20.01.2025, following order was passed:

“ 2. *Heard.*

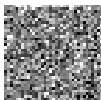
3. *It is, inter alia, contended by learned counsel for the petitioner that the petitioner after having been granted the concession of bail vide order dated 01.06.2024, passed by learned Additional Sessions Judge, Sonipat, in case BA/1534/2024, ‘Gaurav vs. State of Haryana’ Annexure P-1, was regularly appearing before the learned Trial Court, however on 08.11.2024, he could not appear and had moved an application seeking exemption through his counsel on the ground of illness.*

4. *Learned counsel for the petitioner has placed on record a copy of the medical certificate dated 07.11.2024 (Annexure P-2) to support his version. He contends that learned Trial Court, however, ignoring the application moved by learned counsel for the petitioner, seeking his exemption on the ground of illness, dismissed the same coupled with cancellation of bail and issuance of nonailable warrants of arrest for 22.11.2024. It is stated that presently the case is pending for 30.01.2025. Hence, the present petition.*

5. *Notice of motion, returnable for 05.02.2025.*

6. *On the asking of the Court, Mr. Praveen Bhadu AAG, Haryana, who is present in Court, accepts notice and does not dispute the factual matrix of the case.*

7. *Keeping in view the above facts and circumstances, the petitioner is directed to appear before the*



learned Trial Court/Judge on duty/Duty Magistrate within a period of 07 days from today and in that event, learned Trial Court/Judge on duty/Duty Magistrate will admit the petitioner on interim bail subject to its satisfaction on his furnishing requisite bail/surety bonds.

8. The petitioner shall also furnish a specific undertaking before the learned Trial Court/Judge on duty that, in future, he would be regularly appearing before the concerned Court on each and every date and in case of some exigency, he will seek prior permission of the concerned Court qua his exemption to appear on the date fixed.”

5. Keeping in view the fact that the petitioner has already appeared in the Court and furnished his requisite bail/surety bonds consequent to the order dated 20.01.2025, passed by this Court, the present petition is allowed. The order dated 08.11.2024 (Annexure P-3), passed by learned Judicial Magistrate Ist Class, Sonipat, stands quashed and the interim bail granted vide order dated 20.01.2025 is hereby confirmed.

6. The petition stands disposed of.

(SANJIV BERRY)
JUDGE

05.02.2025
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |