



CRM-M-4239-2025
Date of Decision: **27.01.2025**

Versus

Present: Mr. Onkar Singh, Advocate
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

SANJAY VASHISTH, J. (ORAL)

2. Learned counsel for the petitioners submits that since the time of registration of the FIR and releasing of him on bail by the Court, on each and every proceeding fixed before the Court, the petitioner had been appearing as per terms and conditions of the bail order. It was only once on dated 05.10.2023 (Annexure P-3) that on account of some unavoidable reasons, he could not appear before the Court and resultantly, his bail was cancelled and bail bonds were forfeited to the State. In support of his submission, learned

counsel for the petitioner further submits that wife of the petitioner is suffering from cancer and on that account she requires assistance of the petitioner for taking her to the hospital from time to time. Further, counsel for the petitioner refers to the medical OPD slip dated 02.09.2024 (Annexure P-2) and submits that petitioner is aged about 64 years and he himself is also unwell. Thus, submits that there being health problem to both of them i.e. petitioner and his wife, he was unable to appear before the Court. Therefore, one opportunity may be granted to the petitioner by protecting him from arrest and he undertakes not to be absent from the Court in future on any date when proceeding is fixed, except on obtaining prior permission from the Court and he will fully cooperate for early disposal of the trial.

3. Notice of motion.

4. Mr. Kanwar Sanjiv Kumar, AAG, Haryana puts in appearance on behalf of the State-respondent. Copy of paper-book be supplied to him.

5. Learned State counsel, while opposing the bail petition, submits that the concession of bail has been misused by the petitioner. He further submits that non-bailable warrants were issued against the petitioner on 05.10.2023 and now in the year January, 2025 he has expressed his inclination to surrender before the Court.

6. I have heard the learned counsel for the petitioner as well as counsel for the State and perused the case file thoroughly.

7. Undoubtedly, the petitioner remained absent before the trial Court about 01 year and 03 months and for that reason he can be penalized by imposing some costs/fine. In number of cases, this Court is noticing the fact that the accused, who were absent from the Court, were declared proclaimed offenders, have approached this Court by filing quashing petitions by

expressing their inclination to re-join the process of law.

8. Therefore, in the totality of circumstances, I am of the opinion that granting an opportunity to the petitioner to appear before the trial Court, subject to the payment of Rs.10,000/- as costs, to be deposited with the Old Age Home at Ambala i.e. **Jeevan Dhara, Varishth Nagrik Sadan, Red Cross, Ambala** would serve the ends of justice. This approach would also save considerable time, effort, and resources in ensuring the petitioner's presence.

9. Therefore, it is directed that if petitioner on his own appears before the learned trial Court within a period of 10 days, he would be released on bail subject to his furnishing fresh bail bonds/surety bonds to the satisfaction of the trial Court. Besides, petitioner would submit specific undertaking/affidavit that he will keep appearing during the proceedings of the trial in future and the proceedings would not be delayed because of his conduct.

10. However, it is made clear that the bail order would be subject to the deposit of an amount of Rs.10,000/- with the Old Age Home at Ambala.

11. In view of above, **the present petition is allowed.**

27.01.2025

Parveen kumar

**(SANJAY VASHISTH)
JUDGE**

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