



133

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

**CRM-M No.7664 of 2025
Date of decision : 11.02.2025**

Sumit Sharma @ Ricky**.....Petitioner****versus****State of Haryana****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Sanjay Jain, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed praying for quashing of impugned order dated 21.08.2024 (Annexure P-1) passed by the learned Additional Sessions Judge, Ambala in SC/133/2019 (in FIR No.133, dated 23.03.2019, under Sections 489-A, B, C, D of IPC, registered at Police Station Baldev Nagar, District Ambala) being against the law and against the principles of natural justice. Further prayer has been made for staying the further proceedings pending before the learned trial Court during the pendency of the present petition.

2. Precise submission made by learned counsel for the petitioner is that the petitioner was prosecuted in the case bearing FIR No.133, dated 23.03.2019, for offences under Sections 489-A, B, C, D of IPC. He has submitted that the petitioner is one of the accused in the present FIR, whereas the co-accused, namely, Baljinder Singh @ Bali was expired and proceedings against him were dropped vide order dated 18.05.2023 by the



trial Court. He has submitted that the petitioner was regularly appearing before the trial Court and prosecution witnesses are going on. He has further submitted that the petitioner noted the wrong date i.e. 25.08.2024 instead of 21.08.2024 and due to this miscommunication, he could not appear before the trial Court on the date fixed i.e. 21.08.2024. He has submitted that due to the absence of the petitioner, the learned trial Court had cancelled the bail order of the petitioner and bail bonds were forfeited to the State vide order dated 21.08.2024. He has further submitted that the learned trial Court issued warrant of arrest against the petitioner for 27.03.2025. He has submitted that absence of the petitioner was bona fide and not intentional and he never misuse the concession of bail granted to him. He has submitted that the petitioner is ready to appear before the learned trial Court and abide by the terms and conditions imposed upon him.

3. Notice of motion.

4. On the asking of the Court, Mr. Sumit Jain, Addl. A.G., Haryana appears and accepts notice on behalf of the respondent-State. He on the other hand has contended that the warrant of arrest was rightly issued against the petitioner and he is liable to be prosecuted in the said case, as he had failed to appear in the Court despite orders.

5. I have heard counsel for the parties and perused the record.

6. It is apparent that the petitioner was prosecuted in case FIR No.133, dated 23.03.2019, for offences under Section 489-A, B, C, and D of IPC in which warrant of arrest was issued against him due to his absence. The reason for his absence has been given by the petitioner that he noted the wrong date i.e. 25.08.2024 instead of 21.08.2024. As the



petitioner is keen to join the proceedings, so keeping in view the abovesaid facts, the present petition is disposed of and the impugned order dated 21.08.2024 (Annexure P-1) is hereby *set aside* subject to payment of costs of Rs.10,000/- to be deposited with the Sadhna Society for the Mentally Handicapped, Sector 13, 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 21.08.2024 would come in force and the present petition would be deemed to have been dismissed.

11.02.2025
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(RAJESH BHARDWAJ)
JUDGE

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