

**CRM-M-13129-2025****1****In the High Court of Punjab and Haryana at Chandigarh****130****CRM-M-13129-2025****Date of Decision: 11.03.2025****VIVEK GAUR AND ANR****.....PETITIONERS****VERSUS****STATE OF HARYANA AND ANR****...RESPONDENTS****CORAM: HON'BLE MR. JUSTICE H.S.GREWAL**

Present: Mr. Alok Mittal, Advocate and
Mr. Mukul Gupta, Advocate for the petitioners.

**********H.S. GREWAL, J. (ORAL)**

1. This petition has been filed under Section 528 BNSS for setting aside and quashing of order dated 04.01.2025 (Annexure P-1) passed by JMFC, Gurugram vide which the petitioners were declared proclaimed persons in complaint case No. NACT/39067/2018.

2. Learned counsel for the petitioner submits that the counsel for the petitioner could not appear on 04.11.2023 due to dispute between the petitioner and his counsel by which misunderstanding took place. As such the learned trial Court cancelled the bail orders of the petitioner and his bail bonds and surety bonds were ordered to be forfeited. Non-bailable warrants of arrest against the petitioner have been issued. It is also stated that the proper procedure of Section 82 has also not been followed. The petitioner may be

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permitted to surrender before the learned trial Court to attend the trial proceedings continuously and, therefore, requests that the impugned order may be set aside.

3. Notice of motion.

4. On the asking of the Court, Mr. Parveen Kumar Aggarwal, DAG, Haryana accepts notice on behalf of the respondent-State. He states that he has no objection in case the impugned order is set aside.

5. I have heard learned counsel for the parties and gone through the case file.

6. In view of the limited prayer made by the learned counsel for the petitioner, this Court deems it appropriate to decide this case without issuing notice to respondent No.2, the order dated 04.01.2025 (Annexure P-1) passed by JMFC, Gurugram is ordered to be set aside. The petitioner is directed to surrender before the learned trial Court within 07 days from the date of receipt of certified copy of this order and on his doing so, he be released on bail to the satisfaction of learned trial Court subject to payment of Rs.20,000/- as costs to be paid to the complainant.

7. Accordingly, the petition stands allowed.

11.03.2025*remu***(H.S.GREWAL)
JUDGE**

Whether speaking/ reasoned :

Yes/No

Whether Reportable :**Yes/No**