



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-11928-2025
DECIDED ON: 11.03.2025

NANU RAM

.....PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Manjit Singh Gahlawat, Advocate
for the petitioner.

Mr. B.S. Virk, Sr. DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 528 of the Bharatiya Nagarik Surakshan Sanhita, 2023 seeking quashing of warrant of recovery of fine dated 08.11.2024 (Annexure P-4) issued by the Ld. Court of Additional Sessions Judge, Jind under Section 421 of Cr.P.C. arising out of interim order dated 06.11.2024 (Annexure P-3) of recovery proceedings in case titled "*State of Haryana vs. Nanu Ram, CRM-360-2024*" as well as order dated 25.11.2024 issued by the respondent No.2 to respondent No.3 (Annexure P-5) against the petitioner in FIR No.347/2023 /s 379-B, 34 of IPC at P.S. Uchana, District Jind, dated 28.11.2023, imposing complete surety bond amount as penalty, being onerous and entirely devoid of merit and against the observations of this Hon'ble High Court in case titled "*Shiv Mangal and Another vs. State of Haryana, 2018 (2) Law Herald 1708*".

Learned counsel for the petitioner would submit that Annexure P-3, P-4 and P-5 have been passed at the back of the petitioner since he could not put in appearance at the trial Court as he was suffering from jaundice and further instructed his Advocate to move necessary application but that also could not be filed and accordingly, the impugned order dated 06.11.2024 has been passed, penalizing him of Rs.50,000/- under Section 446 Cr.P.C. and recovery warrants were issued through Collector, Jind.

Subsequently vide order dated 08.11.2024 the said penalty was ordered to be realized towards fine as arrears of land revenue from the movable and immovable property, or both, of the present petitioner and his co-accused without any delay and subsequently the Collector, District Jind in pursuance thereof passed the order dated 25.11.2024 (Annexure P-5) declaring the recovery of said amount as arrears of land revenue under Section 5 of the Revenue Recovery (Haryana Amendment) Act, 2003.

The petitioner would submit the reasons for not appearing before the Court owing to his bad health and now undertakes to surrender and appear before the trial Court.

Having perused the orders impugned before this Court vide instant petition, it is evident that the petitioner was not present and he did not have opportunity to defend himself before the Court who also submits that the main accused namely Sahil also failed to appear since he was arrested in some other case i.e. FIR No.279/2024, registered at Police Station Uchana, Jind, under Section 379 IPC and is lodged in Central Jail, Jind, District Jind.

Be that as it may, learned counsel for the petitioner confines his prayer that he may be given a chance to appear before the trial Court and submit his defence and thereafter he is ready to abide by any directions of the Court of law being the law abiding citizen.

Since the orders impugned before this Court have been passed *ex parte* and the petitioner could not appear on account of suffering from Jaundice who stood surety for accused Sahil, who is lodged in Central Jail, Jind in another FIR mentioned above and on that account his bails bonds were cancelled by the trial Court on account of failure of his appearance.

Ends of justice would meet when the proceedings are conducted afresh in the matter after providing the opportunity of hearing to the present petitioner either in person or through his counsel.

Therefore, impugned orders dated 06.11.2024 (Annexure P-3), 08.11.2024 (Annexure P-4) and 25.11.2024 (Annexure P-5) are hereby quashed and the matter is remanded back to the concerned Court i.e. Additional Sessions Judge, Jind to consider and decide it afresh as per law.

The present petition is disposed of in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

11.03.2025

Poonam Negi

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No