



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

CRM-M-16203-2025

Date of decision: 22.04.2025

RAJESH KUMAR ALIAS RAJESH

....PETITIONER

Versus

STATE OF HARYANA

....RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present: - Mr. Ankit Gupta, Advocate for
Mr. J.P. Jangu, Advocate for the petitioner.

Mr. Surender Singh, AAG, Haryana.

SANJIV BERRY, J. (ORAL)

The instant petition under Section 528 of BNSS, 2023, has been filed for quashing of the impugned order dated 31.05.2024 (Annexure P-4) passed by the learned Additional Sessions Judge, Rewari, in case bearing No. SC-286-2022 titled “*State Versus Anil*” in case FIR No.175 dated 17.05.2022 registered under Sections 21 (1), 21 (4) (A) of Mining Act at Police Station Kasola, District Rewari (Annexure P-1), wherein the bail bonds and surety bonds of the petitioner has been cancelled and forfeited and non-bailable warrants of arrest has been issued against the petitioner.

2. It is, *inter alia*, contended by learned counsel for the petitioner that in compliance to the order passed by this Court on 25.03.2025, 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 copy of order dated 02.04.2025 passed by learned Additional Sessions Judge, Rewari, in this regard. He has also deposited cost of Rs.15,000/- in compliance to the order dated 25.03.2025.

3. This aspect is not disputed by learned State counsel.



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4. During the course of hearing on 25.03.2025 following order was passed:

“ 2. Heard.

3. It is, inter alia, contended by learned counsel for the petitioner that the petitioner after having having been granted the concession of bail had been regularly appearing before the learned Trial Court in case as mentioned (supra). However, on account of certain unavoidable circumstances, he could not appear in the Court on 31.05.2024, leading to cancellation of bail and issuance of non-bailable warrants of arrest. He contends that the matter is still pending before the learned Trial Court for 19.05.2025 for the presence of the petitioner through non-bailable warrants of arrest. He contends that the petitioner is ready to regularly appear in the Court on each and every date of hearing without fail and face the trial.

4. Notice of motion, returnable for 22.04.2025.

5. 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. He submits that the next date fixed before the Trial Court is 19.05.2025.

6. Keeping in view the above facts and circumstances, the petitioner is directed to appear before the learned Trial Court/Judge on duty/Duty Magistrate on or before 03.04.2025 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, however, subject to deposit of a cost of Rs. 15,000/- in the District Legal Services Authority, Rewari, before furnishing bail/surety bonds.

7. 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 25.03.2025, passed by this Court, the present petition is allowed. The order dated 31.05.2024 (Annexure P-4), passed by learned Additional Sessions Judge-I, Rewari, stands quashed and the interim bail granted vide order dated 25.03.2025 is hereby confirmed.

6. The petition stands disposed of.

(SANJIV BERRY)
JUDGE

22.04.2025
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |