



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

**CRM-M-28142-2025
DECIDED ON: 22.05.2025**

DOMAR KUMAR VISHWASH

.....PETITIONER

VERSUS

STATE OF HARYANA AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Mayank Aggarwal, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 528 of BNSS 2023 for quashing of order dated 20.11.2023 (P-3) passed by Ld. Chief Judicial Magistrate, Bhiwani in FIR No.07 dated 07.04.2023 under Sections 379, 420, 467, 468, 471 registered at Police Station Cyber Crime, District Bhiwani (P-1) vide which the bail of the present petitioner has been cancelled and Surety bonds have been ordered to be forfeited to the state, along with all subsequent proceedings arising there from.

Learned counsel for the petitioner submits that the petitioner was unable to appear before the trial Court on 20.11.2023 (Annexure P-3), and as a result of his absence on that date, his bail was cancelled and the bail/surety bonds were forfeited to the State and he was summoned through non-bailable warrants. Thereafter, again non-bailable warrants were issued against him on multiple occasions between 05.02.2024 and 09.04.2025, as is evident from Annexure P-4. He further submits that the matter has now been

amicably resolved between the parties, and the complainant is no longer interested in pursuing the present FIR. In support of this, an affidavit/compromise dated 04.05.2023 (Annexure P-5) has been executed by the complainant.

He undertakes that the petitioner will surrender before the trial Court and shall join the trial proceedings without any delay or default in future.

Notice of motion.

On the asking of the Court, Mr. Chetan Sharma, DAG, Haryana accepts notice on behalf of the respondent-State and Mr. Harmanak Singh Bhatti, Advocate, who are not averse to the undertaking given by the petitioner that he will surrender before the trial Court.

In view of the above, the petitioner is directed to surrender before the trial Court within a period of one week from today and apply for regular bail.

In case, such an application for bail is moved by the petitioner before the learned trial Court, the same shall be considered on the same date and decided in accordance with law.

However, it is made clear that in case the petitioner does not abide by the aforesaid undertaking, the respondent/State shall be at liberty to move an appropriate application for revival of the instant petition.

There is no denial to the fact that due to petitioner's act, delay has occurred in trial proceedings and has caused prejudice to the other side and to compensate the delay which is caused by the petitioner alone, he is directed to deposit penalty of Rs.20,000/- with Punjab and Haryana High

Court Bar Clerks Association and a receipt of the same be produced before the trial Court and only in that eventuality, application of the petitioner for seeking bail be considered and decided on the same day.

The instant petition is disposed of in the aforesaid terms.

22.05.2025

Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No