



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

265

CRM-M-29088-2025 (O&M)
Date of Decision:- 02.07.2025

HARVINDER SINGH
Versus
STATE OF HARYANA
...Petitioner(s)
...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Mukesh Garg, Advocate
for the petitioner (through VC).
Mr. Vipul Sherwal, AAG Haryana.

SANJIV BERRY, J. (ORAL)

By way of present petition preferred under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 the petitioner has sought quashing of impugned orders dated 04.07.2024 (Annexure P-2), 28.10.2024 (Annexure P-3) and 17.02.2025 (Annexure P-4) respectively passed by learned Sub Divisional Magistrate, Kharkhoda, District Sonipat, in case CIS No.CHI-135-2017, titled as ‘State Vs. Amit and others’ in case FIR as mentioned below (Annexure P-1)

FIR No.	Dated	Sections	Police Station
262	28.05.2017	120-B, 420, 467, 468, 471 IPC and 61 and 1 of Punjab Excise Act	Kharkhoda, District Sonipat

2. Learned counsel for the petitioner has submitted that in



compliance to the order dated 26.05.2025 passed by this Court, the petitioner has appeared in the Court and furnished his requisite bail bonds and has also deposited the costs of ₹5,000/-.

3. Learned State counsel has not disputed the aforesaid factum.
4. Heard.
5. During the course of proceedings on 26.05.2025 the following order was passed.

“3. It is, inter alia, contended by learned counsel for the petitioner that the petitioner after having been granted the concession of bail had been regularly appearing before the learned Trial Court in case FIR as mentioned above, but on account of having wrongly noted the date, he could not appear in the learned Trial Court on 04.07.2024, leading to cancellation of his bail and issuance of nonailable warrants of arrest. He further contends that the petitioner never received any notice or warrants of arrest till date and has come to know that now proclamation proceedings had been started against the petitioner and the same is pending for 24.07.2025 before the concerned Court.

4. Learned counsel for the petitioner further contends that the absence of the petitioner was not intentional but on account of having wrongly noted the date and contends that, if granted the concession of bail, the petitioner will regularly appear in the Court on each and every date of hearing without fail and face the trial.

5. Notice of motion, returnable for 02.07.2025.

6. 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.

7. Keeping in view the above facts and circumstances, the petitioner is directed to appear before the learned Trial Court/Judge on duty/Duty Magistrate within a period of 07 days from today 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. The petitioner is also burdened to pay a cost of Rs. 5,000/- in the District Legal Services Authority, Sonipat, as a condition precedent for grant of interim bail.



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.*

8. *The Trial Court is directed to communicate the order on the appearance of the petitioner in this Court immediately, through appropriate channel well before the date of hearing.”*

6. 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 26.05.2025 passed by this Court, the present petition is allowed. The orders dated 04.07.2024 (Annexure P-2), 28.10.2024 (Annexure P-3) and 17.02.2025 (Annexure P-4) respectively passed by learned Sub Divisional Magistrate, Kharkhoda, District Sonipat are set aside and the interim bail granted vide order dated 26.05.2025 is hereby confirmed.

7. The petition stands allowed.

8. Pending applications, if any, shall also stand disposed of.

(SANJIV BERRY)
JUDGE

02.07.2025

S.Sharma(syr)

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