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

**CRM-M-38737-2025
DECIDED ON: 22.07.2025**

SUNNY ARORA**.....PETITIONER**

VERSUS

STATE OF HARYANA AND ANOTHER**.....RESPONDENTS****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Ms. Madhu Bala, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 528 of BNSS for quashing of order dated 23.04.2024 (Annexure P-5) passed by Ld. Additional Session Judge, Karnal in CRA-458 of 2018 titled as Sunny versus Sombir vide which bail bonds/ surety bonds of the petitioner has been cancelled and non bailable warrants were issued against the petitioner, in the interest of justice.

Learned counsel for the petitioner submits that the petitioner had been regularly appearing before the Court below in the aforesaid appeal. However, the petitioner's non-appearance on 23.04.2024, was neither willful nor deliberate, but was occurred on account of the petitioner's serious medical condition. He further submits that the petitioner was admitted to Holy Family Hospital, New Delhi, on 20.06.2024, suffering from Acute Pulmonary Thromboembolism, a life-threatening ailment, which rendered him physically incapable of attending the Court proceedings. The medical records corroborating this grave health condition are annexed hereto as Annexure P-6.

Learned counsel for the petitioner though at the outset without contesting the order dated 23.04.2024 (Annexure P-5) on merits undertakes to join the trial proceedings within ten days.

Notice of motion.

Mr. Sushil Bhardwaj, Addl. AG. Haryana, accepts notice on behalf of respondent/State and not averse to the undertaking given on behalf of the petitioner.

Without addressing the merits of the case or the legality of the order, as the same has not been contested by the learned counsel for the petitioner, who has voluntarily agreed to join the proceedings before the trial court and to pay a penalty of Rs. 15,000/- to the Punjab & Haryana High Court Bar Lawyer's Family Welfare Fund, Account No.41564846387, IFSC Code: SBIN0050306 Bank Name-SBI High Court Branch for causing unwarranted delay in the trial proceedings, the order dated 23.04.2024 (Annexure P-5) is hereby set aside.

However, the aforesaid order would be subject to fulfillment of undertaking given before this Court on behalf of the petitioner that he will surrender before the trial Court within ten days. If any application seeking bail is moved by the petitioner, the same be considered by the Court below preferably on that very day in accordance with law.

The amount so deposited by the petitioner shall not be construed as cost for this order but penalty for stalling the court proceedings by evading himself from trial for a long time.

The petition stands disposed off in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

22.07.2025

Meenu

Whether speaking/reasoned :Yes/No

Whether reportable :Yes/No