



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-51313-2024
Date of decision: 01.03.2025

RAKESH ALIAS RAKA

....Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Proxy counsel for
Mr. B.S. Beniwal, Advocate for the petitioner.

Mr. Surender Singh, AAG, Haryana.

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SANJIV BERRY, J. (ORAL)

The instant petition under Section 482 Cr.P.C. has been moved by the petitioner seeking quashing of the order dated 02.09.2024 (Annexure P-2) passed by learned Additional Sessions Judge, Fatehabad in criminal case bearing No.SC-10-2022 arising in case FIR No.216 dated 05.10.2021 registered under Sections 147, 148, 149, 323, 341, 427 and 506 IPC at P.S. Bhattu Kalan, District Fatehabad, whereby the regular bail granted to the petitioner has been cancelled and bonds were forfeited to the State.

2. Learned counsel for the petitioner *inter alia* contends that in compliance of the order dated 23.10.2024, petitioner appeared before the learned trial Court on 14.11.2024 and furnished requisite bail bonds, surety



bonds and also deposited the costs as imposed by this Court and placed on record copy of order dated 14.11.2024 passed by learned Additional Sessions Judge, Fatehabad. He contends that since the petitioner has joined the trial Court proceedings, as such the order dated 02.09.2024 (Annexure P-2) passed by learned Additional Sessions Judge, Fatehabad whereby, the regular bail granted to the petitioner has been cancelled and bonds were forfeited to the State, be quashed.

3. Learned State counsel has not disputed the aforesaid factual matrix of the case and submits that petitioner appeared on 14.11.2024 before the learned trial Court and furnished requisite bail bonds.

4. Heard.

5. During the course of the proceedings, following order was passed on 23.10.2024:-

“ The instant petition under Section 482 Cr.P.C. has been filed for quashing of the impugned order dated 02.09.2024 (Annexure P-2) passed by learned Additional Sessions Judge, Fatehabad, in criminal case bearing No.SC-10-2022 arising in case FIR No.216 dated 05.10.2021 registered under Section 147, 148, 149, 323, 341, 427 and 506 of IPC at P.S. Bhattu Kalan, District Fatehabad, whereby the regular bail granted to the petitioner has been cancelled and bonds were forfeited to the State.

2. It is, inter alia, contended by learned counsel for the petitioner that the petitioner, after being granted bail in case FIR (Annexure P-1), had been regularly appearing in the Court during the course of trial. He further contends that even the petitioner had appeared on 17.05.2024 before the learned trial Court, however, due to inadvertence, he had noted down the date as 20.09.2024 instead of 02.09.2024 leading to his not appearing before the trial Court and as a consequence, the impugned order (Annexure P-2) was passed cancelling his bail and issuing non-bailable warrants of arrest of the petitioner. He



submits that the absence of the petitioner was not intentional but due to having wrongly noted the date. He further submits that if granted concession of bail, the petitioner will regularly appear in Court on each and every date of hearing. Hence, prays for grant of concession of bail.

3. *Notice of motion.*

4. *On the asking of the Court, Mr. Surender Singh, AAG, Haryana, who is present in Court, accepts notice on behalf of the respondent-State and has not disputed the factual matrix.*

5. *Keeping in view the above facts and circumstances, the petitioner is directed to appear before the learned trial Court on or before 14.11.2024 i.e. the date already fixed before the learned trial Court and in the event of his arrest, he is ordered to be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the concerned trial Court/Judge on duty, however, subject to deposit of cost of Rs.5,000/- in the District Legal Services Authority, Fatehabad.*

6. *List on 21.11.2024.”*

6. Keeping in view the fact that the petitioner has already appeared on 14.11.2024 before the learned trial Court and furnished requisite bail/surety bonds consequent to the order dated 23.10.2024, passed by this Court, the present petition is allowed and order dated 02.09.2024 (Annexure P-2), passed by learned Additional Sessions Judge, Fatehabad, whereby the regular bail granted to the petitioner has been cancelled and bonds were forfeited to the State is hereby set aside and the interim bail granted vide order dated 23.10.2024 is hereby confirmed.

7. The petition stands disposed of.

(SANJIV BERRY)
JUDGE

01.03.2025
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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No