



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

CRM-M-61021-2024
Date of decision: 08.01.2025

Sumit @ Sikander

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Pardeep Balyan, Advocate for the petitioner.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 528 of BNSS 2023 seeking quashing of order dated 18.11.2024 Annexure P-4 passed by the Court of Additional Sessions Judge, Sonipat in a criminal case having FIR No.343 dated 24.10.2019 under Section 379-B IPC, registered at Police Station Murthal, District Sonipat, whereby the bail bonds of the petitioner are cancelled and he has been directed to be summoned through nonailable warrants of arrest, on account of absence of the petitioner before the trial Court on the date fixed in the trial.

2. Counsel for the petitioner inter alia submits that the petitioner was granted regular bail in the aforesaid criminal case vide order dated 09.09.2020 Annexure P-2 and thereafter, the petitioner was regularly attending the proceedings before the trial Court. The petitioner got absented on 18.11.2024 on account of wrong noting down of the date of hearing and resultantly, impugned order Annexure P-4 was passed by the trial Court in a hasty manner, without taking into consideration the fact that this was single default on the part of the petitioner. Counsel for the petitioner further submits that the petitioner is ready and willing to join the proceedings before the trial Court at the earliest and absence of petitioner in the trial proceedings on 18.11.2024 was not intentional at all.



3. Notice of motion.

4. Ms. Trishanjali Sharma, DAG, Haryana, accepts notice on behalf of State and on instructions from ASI Kuldeep submits that there is no illegality or perversity in the impugned order as on the relevant date i.e. 18.11.2024, the petitioner got absented without any prior intimation to the trial Court. However, the State counsel has not disputed the fact that prior to 18.11.2024, the petitioner was regularly appearing before the trial Court and the trial has reached the stage of defence evidence.

5. In light of the fact that the petitioner himself has approached the Court showing his willingness to join the proceedings before the trial Court coupled with the fact that this was single default on the part of the petitioner, the present petition is hereby disposed of without expressing any opinion on the merits of the case, in order to avoid any further delay in the trial, with direction to the petitioner to appear before the trial Court within next 7 days and on his doing so, the petitioner is to be released on regular bail by the Court concerned to its own satisfaction subject to cost of Rs.5000/- to be deposited by the petitioner with the District Legal Services Authority concerned.

6. Needless to say that the petitioner is to remain careful in future and should appear before the trial Court on each and every date of hearing before the trial Court.

7. The present petition stands disposed of in aforesaid terms.

08.01.2025

Yogesh

**(KARAMJIT SINGH)
JUDGE**

**Whether speaking/reasoned:-
Whether reportable:-**

**Yes/No
Yes/No**