



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

278

CRM-M-62611-2024

Date of decision :03.02.2025

RAJESH

..... PETITIONER

VERSUS

STATE OF HARYANA AND ANR

..... RESPONDENTS

CORAM : HON'BLE MR. JUSTICE N. S. SHEKHAWAT

Present :- Mr. Sandeep Siwach, Advocate
for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

Mr. V.S. Rathee, Advocate
for respondent No.2

N. S. SHEKHAWAT, J. (ORAL)

1. The petitioner has filed the present petition under Section 528 BNSS with a prayer to quash the order dated 06.03.2024 (Annexure P-4) passed by the Court of Judicial Magistrate 1st Class, Sonipat, whereby the bail order of the petitioner was cancelled and the bail bonds and surety bonds of the petitioner were ordered to be forfeited to the State and the petitioner was ordered to be summoned through non-bailable warrants of arrest in case Criminal Complaint No.COMA/973/2017 dated 30.08.2017, instituted & registered on 06.09.2017 under Section 138 of Negotiable Instrument Act 1881.

2. Learned counsel for the petitioner contends that the petitioner was ordered to be released on bail on 22.08.2019. Learned counsel further

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contends that the petitioner was regularly appearing before the trial Court during the course of trial. However, due to his ill health, he could not appear before the trial Court on 06.03.2024. Due to non-appearance of the petitioner, the trial Court had cancelled the bail and the bail bonds and surety bonds were ordered to be forfeited to the State and the petitioner was ordered to be summoned through non-bailable warrants of arrest. Learned counsel further submits that the non-appearance of the petitioner was unintentional and he is ready to surrender before the Court and shall join the trial proceedings. He further contends that the petitioner shall appear on each and every date of hearing, before the Trial Court and shall not absent himself during the Court proceedings.

3. Learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the petitioner had not appeared intentionally before the Trial Court and there is no illegality in the impugned order dated 06.03.2024 passed by the Court of Judicial Magistrate 1st Class, Sonipat.

4. I have heard the learned counsel for the parties and perused the record.

5. It is apparent that the complaint in the present case was registered in the year 2017 and the petitioner is facing the prosecution since then. From the record, it is also clear that on 06.03.2024, the petitioner could not appear before the trial Court and the trial Court had cancelled the bail and the bail bonds and surety bonds were ordered to be forfeited to the State.

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6. Taking a lenient view of the matter, the prayer made by learned counsel for the petitioner is accepted and the petitioner is permitted to surrender before the Judicial Magistrate 1st Class/Duty Magistrate, Sonipat within a period of one week from today and on his surrender, he shall be admitted to bail subject to furnishing bail bonds and surety to the satisfaction of the concerned Court and subject to cost of Rs.20,000/- to be deposited with District Legal Services Authority, Sonipat.

7. At the time of furnishing of bail bonds, the petitioner shall also file an affidavit before the concerned Court that he shall continue to appear before the Court on each and every date of hearing and shall not absent himself during the court proceedings, except with prior permission of the Court.

8. The Trial Court/Duty Magistrate shall also be at liberty to impose any other conditions, as it deems fit in the peculiar facts and circumstances of case.

9. The trial Court is directed to expedite the trial.

10. The petition stands allowed in the above terms.

(N. S. SHEKHAWAT)
JUDGE

03.02.2025*vipin*

Whether speaking/reasoned	:	Yes
Whether Reportable	:	No