137.

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-3886-2025
Date of decision: 23.01.2025

Rajeev Datta @ Rajiv Dutta ....Petitioner

Versus

State of Haryana ....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Paras Jagga, Advocate, for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner, under Section 528 of BNSS, is seeking quashing of impugned order dated 18.07.2024 (Annexure P-3) passed by learned MACT, Karnal, in SC No.426 of 2023, vide which, the bail of the petitioner was cancelled and his bail bonds and surety bonds were forfeited to the State and non-bailable warrant of arrest were issued against him, and order dated 14.01.2025 (Annexure P-8) of learned MACT, Karnal, vide which, proclamation has been issued against the petitioner, in case FIR No.0097, dated 16.03.2023, under Sections 406, 420, 506 of IPC and Section 24 of Immigration Act, registered at Police Station Taraori, District Karnal.

2. Learned counsel for the petitioner submits that on 18.07.2024, the petitioner could not appear before the trial Court for the reason that he was in custody in some other case. Thereafter, on 23.08.2024, fresh warrant

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of arrest issued against the petitioner for 13.09.2024, on which date, the work was suspended in the Court and the matter was adjourned to 25.10.2024. On the said date, due to the death of his mother-in-law, he could not put in appearance before the trial Court. On 14.01.2025, due to noting a wrong date by the clerk of his counsel, the petitioner could not appear before the trial Court.

3. Learned counsel for the petitioner submits that the non-appearance of the petitioner was neither deliberate nor intentional. However, the petitioner is ready and willing to appear and surrender before the Trial Court. Hence, in the aforementioned facts and circumstances, the petitioner be protected till his appearance before the Trial Court and directions be given to the Trial Court that his bail application, which he would be filing on his surrender, be decided expeditiously.

4. Notice of motion.

5. On asking of the Court, Mr. Rahul Mohan, Senior DAG, Haryana, accepts notice on behalf of respondent-State.

6. Appearance has also been caused by Ms. Pooja Jaglan, Advocate, on behalf of complainant and filed her *vakalatnama* in Court today, which is taken on record.

7. In view of the limited prayer made by the learned counsel for the petitioner, the instant petition is disposed of with the following directions:

> The petitioner is to appear and surrender before the trial Court within 07 days from today. Till then, no coercive steps be

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taken against the petitioner. This is contingent upon the petitioner paying a cost of Rs.10,000/- to be deposited with the District Legal Services Authority concerned.

8. It is made clear that in case, the petitioner fails to surrender before the Trial Court within 07 days from today, this order shall be of no avail to him thereafter. In case, on appearance and surrender, the petitioner moves an application for bail, the Trial Court shall make earnest efforts to decide it expeditiously, in accordance with law.

(MANJARI NEHRU KAUL)
JUDGE

January 23, 2025
sanjeev

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No

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