

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

CWP-11548-2020

DATE OF DECISION : 10.08.2020

Sonu Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present : Mr. R.K.Malik, Senior Advocate, with
Mr. Sunil Hooda, Advocate,
for the petitioner.

KARAMJIT SINGH, J. (Oral)

Case has been heard through Video Conferencing in view of
COVID-19 Pandemic.

Learned senior counsel for the petitioner contended that impugned
order (Annexure P-6) dated 01.07.2020 passed by respondent No.3 is liable to
be quashed as the same is based on conjectures. The petitioner was already
acquitted in the criminal case by the Court of JMIC, Faridabad, on 06.09.2019
(Annexure P-3) and he was never arrested in the said criminal case by the
police. Actually, the petitioner was granted anticipatory bail by the Court of
Additional Sessions Judge, Faridabad, on 26.05.2015 (Annexure P-7). Both
these facts were not taken into consideration by respondent No.3, while passing
the impugned order (Annexure P-6).

Notice of motion.

At this stage, Mr. Naveen Singh Panwar, Deputy Advocate
General, Haryana, accepts notice on behalf of the State.

Learned senior counsel for the petitioner submitted that he would

be satisfied if the impugned order (Annexure P-6) is set aside with a direction to the concerned authority to reconsider the matter, in the light of the aforesaid facts, at the earliest in a time bound manner, to which learned State counsel has no objection.

Accordingly, this writ petition is hereby disposed of, without commenting on the merits of the case, and the impugned order (Annexure P-6) is hereby set aside as the same is silent regarding the anticipatory bail granted to the petitioner and also regarding his acquittal in the criminal case having FIR No.150 dated 30.03.2015, under Sections 323, 452 and 506/34 of the Indian Penal Code, registered at Police Station Sector 55, Faridabad, with further direction to respondent No.3 to reconsider and decide the matter afresh by passing a speaking order, in accordance with law, while taking into consideration the aforesaid facts which were brought to the notice of this Court by the learned senior counsel. It is further made clear that the necessary direction be complied with by respondent No.3 within 20 days from today.

(KARAMJIT SINGH)
JUDGE

10.08.2020

adhikari

Whether speaking/non-speaking	:	Yes/No
Whether reportable	:	Yes/No