

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(102)

CRM No. M-50536 of 2021
Date of Decision : 03.12.2021

Sh. Gaurav Saini

...Petitioner

Versus

State of Haryana

...Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Abhinay Goel, Advocate for the petitioner.

Mr. Gaurav Bansal, Assistant Advocate General, Haryana.
(keeping in view advance copy given)

Harsimran Singh Sethi J. (Oral)

Present petition has been filed under Section 438 Cr.P.C for the grant of anticipatory bail to the petitioner in respect of FIR No. 77 dated 07.03.2019, registered under Sections 279, 338 IPC at Police Station Sector-5, Panchkula by setting-aside the impugned order dated 05.10.2021 passed by learned Judicial Magistrate Ist Class, Panchkula, by which the bail of the petitioner was cancelled and his bail bonds were ordered to be forfeited.

Learned counsel for the petitioner argues that though, the petitioner was already granted the benefit of regular bail but on one occasion when petitioner sought exemption from his personal appearance before the trial Court for 05.10.2021, the same was declined and the bail

granted to the petitioner was cancelled and warrants of arrest were issued to him. Learned counsel for the petitioner submits that the non-appearance of the petitioner was totally bona fide. Learned counsel for the petitioner further undertakes before this Court that henceforth, the petitioner will not skip any hearing fixed by the trial Court unless and until, the petitioner has been granted the concession of exemption by the Competent Court of Law. The prayer of the petitioner is that he is ready to join the trial and he may kindly be granted the concession of anticipatory bail.

Notice of motion.

Mr. Gaurav Bansal, learned Assistant Advocate General, Haryana, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned State counsel, on the other hand, submits that petitioner is misusing the concession of bail granted to him as he is not appearing before the trial Court and it is not that he did not appear before the trial Court on 05.10.2021 but on earlier occasion also, he had been filing application seeking exemption and that too without any valid justification and, therefore, order passed by the trial Court cancelling the bail of the petitioner and issuing arrest warrants is perfectly valid and legal.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Once, the petitioner has undertaken before this Court that henceforth, he will not skip any hearing fixed by the trial Court while trial is in progress unless and until granted the concession of exemption of

appearance by the Competent Court of Law, another opportunity can be granted to the petitioner to join the proceedings of the trial. The conduct of the petitioner is though not appreciable but still, by giving him the benefit of doubt, another opportunity is granted to the petitioner to join the trial.

In case, the petitioner surrenders before the trial Court within a period of 07 days, he be admitted to anticipatory bail so as to join the trial proceedings.

Notice, if any, issued to the surety by the trial Court after cancellation of the bail of the petitioner, no further action be taken on the said notice issued keeping in view the order passed today.

Petition is allowed in above terms.

December 03, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes