

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(123)

CRM-M-53770-2021 (O&M)

Date of Decision : December 22, 2021

Manoj @ Moja

.. Petitioner

Versus

State of Haryana

.. Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Baljeet Nain, Advocate, for the petitioner.

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

HARSIMRAN SINGH SETHI J. (ORAL)

CRM-44213-2021

As prayed for, the application is allowed.

CRM-M-53770-2021

Present petition has been filed for quashing the order dated 10.11.2021 (Annexure P-4) passed in case FIR No.75 dated 14.04.2019 registered under Sections 379-B, 452, 427, 506, 147, 149 and 188 of the IPC and Section 25 of the Arms Act, 1959 (later on Section 25 of the Arms Act deleted and Section 27 of the Arms Act added) at Police Station Narwana Sadar, District Jind by which, the bail extended to the petitioner has been cancelled as the petitioner absented himself from the proceedings.

Learned counsel for the petitioner submits that the petitioner was suffering from depression for which he was being treated and it was under these circumstances, the petitioner could not attend the proceedings. Learned counsel for the petitioner undertakes before this Court that henceforth, the petitioner will abide by all the conditions of the bail and will attend the proceedings without any default unless and until, exemption from appearance is granted to the petitioner by the competent Court of law.

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 counsel for the respondent-State submits that as the petitioner has violated the conditions of bail, the order passed by the trial Court is within jurisdiction and no interference is called for by this Court.

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

No doubt, once the petitioner was granted the benefit of bail by this Court with the clear intent that the petitioner will fully cooperate with the trial Court without seeking any unnecessary adjournment, it was the duty of the petitioner to attend all the proceedings and in case of any difficulty, he should have prayed for the grant of exemption by filing appropriate application.

By giving a benefit of doubt that absence of the petitioner was due to the fact that he was undergoing a phase of depression as being projected coupled with the fact that the petitioner has undertaken before this

Court that henceforth, he will attend all the proceedings before the trial Court unless and until an exemption is granted by the competent Court of law, no useful purpose will be achieved in sending the petitioner behind the bars. In case, the petitioner appears before the trial Court and hence, he be extended the benefit of anticipatory bail subject to the satisfaction of the trial Court/Illaq Magistrate.

If permissible, the bail bonds already submitted by the petitioner, be restored.

The present petition is disposed of in above terms.

December 22, 2021
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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