

112

CRM-M-13972-2022

Decided on: 02.04.2022

Sandeep

...Petitioner

Versus

State of Haryana and another

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Amit Choudhary, Advocate for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

* * * *

ANOOP CHITKARA, J.

Complaint No.	Year	Police Station	Sections
154 instituted on 18.07.2017/ 06.02.2018	2017	City Tohana, District Fatehabad	138 of Negotiable Instrument Act

1. Challenging the order of cancellation of bail and issuance of non-bailable warrants due to the default in an appearance before the trial court, the petitioner has come up before this court.

2. The background leading to the cancellation of bail and issuance of non-bailable warrants is that as many as three opportunities, the petitioner on one pretext or the other, avoided appearances before the concerned court.

3. In paragraph 5 of the petition, the accused offers the explanation for non-appearance, which is due to bad health.

4. Although the petitioner appears to be lacking serious intent, it cannot be tantamount to complete disregard considering the explanation offered. Furthermore, the disruptive effect of the COVID-19 pandemic on the country's varied systems also should not be ignored. Given this background and the facts and circumstances peculiar to this case, I am satisfied by the explanation offered. The petition is allowed to the extent mentioned in this order and with the following conditions.

5. There shall be a stay of the petitioner's arrest in the case mentioned above up to April 8, 2022; however, if the petitioner fails to appear on April 8, 2022, then stay on arrest shall stand vacated without any further reference to this court. It is clarified that if the petitioner appears before the concerned court, then the impugned order dated 17-12-2021, Annexure P-1, issued by the concerned court against the petitioner

CRM-M-13972-2022

in the matter mentioned above shall stand quashed, warrants canceled, and bonds restored. However, in case the Id. trial court so desires, it may ask the petitioner to furnish fresh bail bonds, and in such an eventuality, the petitioner shall execute a bond for attendance in the concerned court to its satisfaction.

6. **Within ten days from today**, the petitioner shall procure a smartphone and inform its IMEI number and other details to the SHO/I.O. of the concerned Police station. The petitioner shall always keep the phone location/GPS on the "ON" mode. Whenever the Investigating officer asks to share the location, the petitioner shall immediately do so. The petitioner shall neither clear the location history, WhatsApp chats, calls nor format the phone without permission of the concerned SHO/I.O. This condition shall continue till the completion of the trial or closure of case, whatever is earlier.

7. **On or before April 8, 2022**, the petitioner shall deposit a sum of rupees ten thousand in 'High Court Lawyers Welfare Fund,' Account number 65018692589, SB, IFCI code SBIN0050306, Branch Code 50306, Branch Address State Bank of India, High Court Branch, Sector 1, Chandigarh. After depositing, the petitioner shall file the proof of deposit, before the concerned court and send its copy alongwith a copy of this order to the Secretary, Punjab & Haryana High Court Bar Association, either in physical or electronic mode.

8. Any Advocate for the petitioner and the Officer in whose presence the petitioner puts signatures on personal bonds shall explain all conditions of this bail order in any language that the petitioner understands.

9. Any observation made hereinabove is neither an expression of opinion on the merits of the case nor shall the trial Court advert to these comments.

10. *There would be no need for a certified copy of this order, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. In case the attesting officer wants to verify the authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.*

Petition allowed to the extent mentioned above. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

02.04.2022
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.