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

CRM-M-14895-2022

Date of decision : 08.04.2022

Mani Duttsukla @ Dabbu and others

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Ashish Grewal, Advocate for the petitioners.

Mr. Praveen Bhadu, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 of Cr.P.C. for quashing of impugned order dated 15.03.2022 (Annexure P-4) whereby applications for exemption from personal appearance of the petitioners were dismissed and the bail of the petitioners were cancelled and their bonds were forfeited to the State and non-bailable warrants were issued to them.

Learned counsel for the petitioners has submitted that in the present case, FIR was registered in the year 2015 and the petitioners were granted bail and thereafter, the petitioners had been appearing regularly and on 17.01.2022 also, the petitioners had appeared as is apparent from Annexure P-1 but however, the prosecution witnesses did not appear on that date and thus, the same were summoned by the Court. It is further submitted

that on 15.03.2022, the petitioners had moved applications for exemption from personal appearance on the ground that all the three petitioners were ill. It is contended that however, the said applications were rejected and the impugned order for cancelling the bail of the petitioners was passed. It is further contended that on the said date also, no prosecution witness was present and thus, no delay has been caused in the trial on account of applications for exemption being moved by the petitioners. It is argued that the petitioners are also ready to compensate the complainant by paying an amount of Rs.3000/- each (total 9,000/-) for their non-appearance on 15.03.2022 and also undertake to appear on the next date of hearing before the trial Court on 16.04.2022 and also on each and every date before the trial Court unless their personal appearance is specifically exempted by the trial Court.

Notice of motion.

On advance notice, Mr. Praveen Bhadu, AAG, Haryana, appears and accepts notice on behalf of the State and has submitted that he is fully prepared to argue the matter and assist this Court. He has opposed the present petition and has submitted that a perusal of the impugned order would show that it has been observed that for the last three dates, the petitioners have been seeking adjournment on one ground or another. It is also submitted that FIR is of the year 2015 and it is the petitioners who are delaying the matter.

This Court has heard the learned counsel for the parties and has perused the record.

In the present case, FIR is of the year 2015. As per the case of

the petitioners, they were granted bail and have been regularly appearing in the case before the trial Court. A perusal of order dated 17.01.2022 (Annexure P-1) would show that the petitioners were present but however, since the prosecution witnesses were not present, thus, the prosecution witnesses were summoned throughailable warrants. The petitioners had moved an applications for exemption on 15.03.2022, which have been declined. A perusal of the impugned order dated 15.03.2022 would show that no prosecution witness was present on the said date also. It has been stated by the learned counsel for the petitioners that on 01.04.2022, there was a strike and the matter is now adjourned to 16.04.2022. It is submitted by learned counsel for the petitioners that the petitioners would appear on 16.04.2022 and also on the subsequent dates before the trial Court unless their personal appearance is specifically exempted by the trial Court.

Keeping in view the abovesaid facts and circumstances, the present petition is allowed and the impugned order dated 15.03.2022 (Annexure P-4) to the extent that bail of the petitioners have been cancelled and bonds have been forfeited to the State and non-ailable warrants have been issued to the petitioners, is set aside subject to the petitioners appearing before the trial Court on 16.04.2022 and on their appearance, the trial Court is directed to release the petitioners on bail on their furnishing bail bonds/surety bonds to the satisfaction of the concerned trial Court. The same would also be subject to the petitioners depositing an amount of Rs.3000/- each (total Rs.9000/-) with the trial Court on the said date which would be released to the complainant and would also be subject to the petitioners giving an undertaking to the trial Court that they would appear

before the trial Court on each and every date unless their personal appearance is specifically exempted by the trial Court.

It is, however, clarified that in case, the petitioners do not appear before the trial Court on the said date i.e. on 16.04.2022 or do not deposit an amount of Rs.3000/- each (total Rs.9000/-) then the present petition would be deemed to have been dismissed.

08.04.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No