

CRM-M-40694-2018

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40694-2018
Reserved on: 26.08.2022
Pronounced on: 31.08.2022

Mukesh ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sarvesh Kumar Gupta, Advocate for
Mr. Parveen Chaudhary, Advocate
For the petitioner.

Mr. Rajat Gautam, DAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
317	16.04.2000	City Karnal, Distt. Karnal	379 IPC

1. Challenging the order of cancellation of bail and issuance of non-bailable warrants, vide order dated 15-11-2003, passed by the learned JMIC Karnal, (Annexure P-2) due to the default in an appearance before the trial court, the petitioner has come up before this court.
2. Ld. Counsel for the petitioner contends that the non-appearance was unintentional, without any endeavor to delay the trial, and due to factors beyond the petitioner's control.
3. The other accused stand acquitted in the case. Without adjudicating the maintainability of this petition under section 482 CrPC, and leaving that question open; given the explanation offered by the accused coupled with the facts and circumstances peculiar to this case, a balanced approach would work as an incentive, a catalyst, speeding up the process, and bringing the guilty to Justice and Justice to the guilty. The petition is allowed to the extent mentioned in this order and with the following conditions.
4. There shall be a stay of the petitioner's arrest in the case mentioned for fifteen days; however, if the petitioner fails to appear within this time, then stay on arrest shall

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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 15-11-2003, passed by the concerned court, against the petitioner in the matter mentioned above shall stand quashed, warrants canceled, and on the same date, the Id. trial court shall grant bail to the petitioner on furnishing fresh bail bonds to her satisfaction, and in such an eventuality, the petitioner shall execute a bond for attendance in the concerned court. The bail bonds shall remain in force throughout the trial and after that in Section 437-A of the Cr.P.C., if not cancelled due to non-appearance or breach of conditions.

5. *This order is subject to the petitioner appearing before the concerned court within fifteen days from today, and complying with the above-mentioned conditions, failing which it shall stand recalled under section 362 read with 482 CrPC, without any further reference to this court.*

6. 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.

7. *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 and subject to the conditions mentioned above. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

31.08.2022
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Whether speaking/reasoned: Yes
Whether reportable: No.