

126

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

CRM-M-23551-2022

Date of decision : 27.05.2022

Vikram Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Bhavdeep Singh Mamli, Advocate for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 of Cr.P.C. for quashing of order dated 16.11.2021 (Annexure P-3), whereby the bail of the petitioner has been cancelled, his bonds were forfeited to the State, warrants of arrest have been issued against him and notice to his surety was also issued.

Learned counsel for the petitioner has submitted that the petitioner was granted the concession of anticipatory bail vide order dated 01.09.2021 (Annexure P-2) passed by this Court after taking into consideration the fact that the alleged recovery effected from the co-accused namely Binder Singh was of non-commercial quantity and the petitioner was sought to be implicated on the basis of disclosure statement of the said co-accused. It is further submitted that the petitioner had appeared before the trial Court on 21.10.2021 when the matter was adjourned to 16.11.2021. It is contended that the petitioner could not appear on 16.11.2021 as he had noted the wrong date and thus, on account of the same, the impugned order was passed. It is argued that the case before

the trial Court is now fixed for 06.09.2022 and the petitioner would appear on or before 06.09.2022 before the trial Court, in case, he is granted protection. It is also argued that the petitioner also undertakes to appear before the trial Court on each and every date unless his 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 the petitioner had not appeared on 16.11.2021 before the trial Court and thus, the impugned order had rightly been passed.

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

The petitioner was granted the concession of anticipatory bail vide order dated 01.09.2021 by this Court after taking into consideration the fact that the alleged recovery effected from the co-accused namely Binder Singh was of non-commercial quantity and the petitioner was sought to be implicated on the basis of disclosure statement of the said co-accused. The petitioner had appeared before the trial Court on 21.10.2021 when the matter was adjourned to 16.11.2021 and on 16.11.2021, he could not appear as he had noted the wrong date and thus, on account of the same, the impugned order was passed. The petitioner is ready to appear before the trial Court on or before 06.09.2022.

Learned counsel for the petitioner has already submitted that the petitioner has undertaken to appear before the trial Court on or before 06.09.2022 and to also appear on each and every date before the trial Court

unless his personal appearance is specifically exempted by the trial Court.

Keeping in view the abovesaid facts and circumstances, the present petition is allowed and the order dated 16.11.2021 to the extent that the bail of the petitioner has been cancelled, his bonds have been forfeited to the State and warrants of arrest have been issued against him and notice to his surety has also been issued, is set aside subject to the petitioner appearing before the trial Court on or before 06.09.2022 and on his appearance, the trial Court is directed to release the petitioner on bail on his furnishing bail bonds/surety bonds to the satisfaction of the concerned trial Court. The same would also be subject to the petitioner depositing an amount of Rs.5000/- within the stipulated time with Bar Clerks Association, Punjab and Haryana High Court, Chandigarh and would also be subject to the petitioner giving an undertaking to the trial Court that he would appear before the trial Court on each and every date unless his appearance is personally exempted by the Court.

It is, however, clarified that in case, the abovesaid conditions are not complied with within the stipulated period, then the present petition would be deemed to have been dismissed.

It is further clarified that the order dated 16.11.2021 inasmuch as warrants of arrest have been issued against Binder Singh and notice has been issued to his surety, has not been set aside.

27.05.2022*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:- Yes/No****Whether reportable:- Yes/No**