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

CRM-M-26600-2022

Date of decision : 12.07.2022

Sanjeev Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Anil Dutt, 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 impugned orders dated 22.11.2021, 18.02.2022 and 02.05.2022 (Annexures P-2 to P-4) passed by the trial Court, whereby the bail granted to the petitioner has been cancelled and bonds are forfeited to the State and non-bailable warrants have been issued against the petitioner in FIR No.1651 dated 16.03.2017 registered under Sections 135/138 of the Electricity Act, at Police Station Irrigation and Power, Rohtak (Haryana).

Learned counsel for the petitioner has submitted that the present FIR was registered on 16.03.2017 and after grant of bail, the petitioner was appearing before the trial Court but did not appear on 22.11.2021 as his counsel had advised him that there was no need to appear before the trial Court on account of COVID-19 pandemic and again on 18.02.2022, the petitioner had again contacted his counsel and on that day, counsel had asked petitioner as to whether he has got COVID-19 test conducted and since, the

petitioner had not conducted COVID-19 test, thus, he had no option but to return home and thereafter, again on 02.05.2022, for the same reason, he could not appear. It is further submitted that on the said dates, no witnesses have been produced and thus, no delay has been caused to the trial. It is contended that now the case is listed for 20.08.2022 before the trial Court and the petitioner undertakes to appear within a period of one month from today before the trial Court in case, he is granted protection and for the inconvenience caused, he is also ready to pay Rs.10,000/- as costs. It is also contended that the petitioner would also appear on each and every date before the trial Court unless his appearance is personally exempted by the 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 on three consecutive dates, the petitioner had not appeared, although he was aware about the said dates.

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

FIR, in the present case, was registered on 16.03.2017 and it is the case of the petitioner that the petitioner was granted bail and after that, he was appearing before the trial Court but could not appear on 22.11.2021, 18.02.2022 and 02.05.2022, on account of the fact that his counsel had advised him that in COVID times, he need not to appear before the trial Court and also on account of the fact that he was not having any COVID test report.

A perusal of the said zimni orders would show that there was no

witness present on the said three dates. The case before the trial Court is stated to be listed for 20.08.2022 and the petitioner undertakes to appear within a period of one month from today before the trial Court and also on each and every date before the trial Court unless his appearance is personally exempted by the Court. The petitioner is also ready to compensate on account of inconvenience caused.

Keeping in view the abovesaid facts and circumstances, the present petition is allowed and impugned orders dated 22.11.2021, 18.02.2022 and 02.05.2022 (Annexures P-2 to P-4) are set aside subject to the petitioner appearing before the trial Court within a period of one month from today 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.10,000/- within the stipulated time with the High Court Lawyers' Welfare Fund 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.

12.07.2022*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:- Yes/No****Whether reportable:- Yes/No**