

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(255)

CRR-885-2021
Date of decision: - 25.07.2022

Manmohan Sharma

....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Harish Mehla, Advocate,
for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

Mr. D.S. Matya, Advocate,
for respondent No.2.

VIKAS BAHL, J. (ORAL)

The challenged in the present petition is to the order dated 05.08.2021, vide which the Additional Sessions Judge, Panchkula, has cancelled the bail of the petitioner and had forfeited the bail and surety bonds to the State and has summoned the petitioner through non-bailable warrants.

On 25.08.2021, a Co-ordinate Bench of this Court was pleased to pass the following orders: -

"The case has been taken up for hearing through video conferencing.

The petitioner has filed the present revision petition

challenging the legality of order dated 05.08.2021 passed by learned Additional Sessions Judge, Panchkula in Criminal Case CIS No.CRA/74/2019 titled as 'Manmohan Sharma Vs. State of Haryana and another' whereby the bail of the petitioner was cancelled and his bail bonds and surety bonds were forfeited.

Learned Counsel for the petitioner has submitted that the petitioner has compromised with respondent No.2-complainant vide compromise deed dated 06.11.2019 which was placed before the trial Court as Ex.C1. The petitioner agreed to pay amount of Rs.10,00,000/- to respondent No.2-complainant and has already paid amount of Rs.1,00,000/- on 02.11.2019. The petitioner could not appear before the Appellate Counsel on 05.08.2021 as he had noted down the wrong date of hearing. The default in appearance was not intentional. The petitioner is ready to pay the balance amount of Rs.9,00,000/- and to show genuineness of his offer he has attached copy of bank draft for an amount of Rs.8,00,000/- with the present petition. The impugned order suffers from material illegality. The petitioner is ready to appear before the Appellate Court.

Notice of motion.

Pursuant to supply of advance copy of the petition, Mr. Sumit Jain, Addl. A.G. Haryana has appeared and accepted notice on behalf of respondent No.1-State.

Case is adjourned to 23.09.2021.

Notice to respondent No.2 be issued for that date and notice be also given dasti, if so desired.

In the meanwhile, the petitioner is directed to appear before the Appellate Court and on such appearance, the petitioner shall be released on interim bail on furnishing of bail bonds to the satisfaction of the Appellate Court subject to the condition that the petitioner hands over the bank draft amounting to Rs.8,00,000/- to the complainant personally or through the Counsel representing him in the complaint case at the time of furnishing of bail bonds if he is present at that time or within seven days from the date of this order.

A copy of this order be sent to the Appellate Court for information and requisite compliance.

25.08.2021

(ARUN KUMAR TYAGI)

JUDGE"

Learned counsel for the petitioner as well as respondent No.2 have jointly submitted that in pursuance of the said order, the petitioner had appeared and has been released on interim bail and subsequent thereto, the matter has been fully and finally compromised. As per the said compromise, an amount of Rs.10 lakhs has already been paid to the complainant and with respect to additional amount of Rs.2 lakhs, which was also undertaken to be paid by the petitioner, a demand draft of Rs.2 lakhs has been handed over to learned counsel for the complainant by learned counsel for the petitioner.

Learned counsel for the complainant has handed over the said demand draft to the complainant, who is present in the Court and thus, learned counsel for the petitioner as well as counsel appearing on behalf of respondent No.2 have stated that they would move necessary application for compounding the offence before the Appellate Court.

Accordingly, the present petition is allowed and order dated 05.08.2021 passed by the Additional Sessions Judge, Panchkula is set aside and the interim bail granted to the petitioner by a Co-ordinate Bench of this Court, vide order dated 25.08.2021 is hereby made absolute.

Both the parties would be at liberty to move an application for compounding the offence before the Appellate Court.

July 25, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No