

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

103

CRM-M-35878-2022

Date of Decision: 16.08.2022

Sandep @ Dharti

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Lalit Kumar Narang, Advocate
for the petitioner.

JAGMOHAN BANSAL, J. (Oral)

The petitioner, through instant petition under Section 482 Cr.P.C., is seeking quashing of order dated 22.04.2022 (Annexure P-1) passed by learned Additional Sessions Judge, Rohtak, whereby the bail granted to the petitioner was cancelled and arrest warrant has been issued.

An FIR No.186 dated 11.05.2020 under Sections 148, 149, 307, 323, 452, 120-B of IPC and Section 25 of Arms Act was registered at Police Station Meham wherein the petitioner was named in the FIR alongwith other accused.

The petitioner preferred an application under Section 439 Cr.P.C. seeking regular bail before the learned Additional Sessions Judge, Rohtak, which was allowed vide order dated 25.02.2020.

The petitioner moved an application dated 22.04.2022 seeking exemption from personal appearance. The similar application was filed by co-accused namely Wazir.

The learned Additional Sessions Judge, Rohtak, allowed exemption to Wazir, however, vide order dated 22.04.2022 ordered to cancel exemption sought by the petitioner. The learned Additional Sessions

Judge, Rohtak further directed to issue arrest warrant of petitioner/accused Sandeep @ Dharti through concerned SHO for 04.07.2022.

The petitioner, through instant petition, is seeking quashing of aforesaid order dated 22.04.2022 whereby the bail bond furnished by the petitioner was cancelled and arrest warrant has been issued.

Notice of motion.

On the asking of the Court, Mrs. Ambika Sood, learned Additional Advocate General, Haryana, who is present in Court, accepts notice on behalf of the respondent-State and very fairly states that she has no objection if the petition is allowed and petitioner is further directed to appear before the learned trial Court.

It is not a case that the petitioner neither appeared nor moved an application seeking exemption. The application was filed along with an affidavit of brother of the petitioner.

In view of the above facts and circumstances, this Court is of the considered opinion that one opportunity may be granted to the petitioner and accordingly he is directed to furnish fresh bail bond before the trial Court. It is made clear that in future, if petitioner does not appear before the trial Court or seeks exemption on frivolous grounds, the trial Court would be at liberty to cancel the bail bonds and issue arrest warrant.

The petition deserves to be allowed and accordingly allowed. The petitioner is granted liberty to appear on the date fixed before the learned trial Court or any date prior thereto.

(JAGMOHAN BANSAL)
JUDGE

16.08.2022
anju

Whether speaking/reasoned	Yes
<i>Whether Reportable</i>	<i>No</i>