

CRM-M-40008-2019

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40008-2019
Reserved on: 31-03-2022
Pronounced on: 01-04-2022

Harpreet Singh ...Petitioner

Versus

State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Harneet Singh Oberoi, Advocate for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
17	23.01.2019	Sadar Dhuri, District Sangrur	420 IPC

1. Challenging the order of cancellation of bail and issuance of non-bailable warrants due to the default in an appearance before the trial court, the petitioner has come up before this court.
2. After the registration of FIR, the petitioner entered into an out of Court compromise vide compromise deed dated 16.08.2019 (Annexure P-2).
3. The background leading to the cancellation of bail and issuance of non-bailable warrants is that due to non- appearance of the petitioner, vide order dated 7 Sep 2019, Id. JMIC Dhuri declared him as a proclaimed offender. After that, on the same date at 12 noon, the petitioner’s counsel moved an application for recalling the order. However, Id. JMIC dismissed the said application by stating that the proclamation was issued at 11 A.M., whereas the application was filed at 12 noon, and the application was filed through counsel, and the accused himself did not appear.
4. In paragraph 6 of the petition, the accused offers the explanation, which in nutshell is that immediately after the knowledge of proclamation order, his counsel had filed an application for its recall.
5. Although the petitioner appears to be lacking serious intent, it cannot be tantamount to complete disregard considering the explanation offered. Given this

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background and the facts and circumstances peculiar to this case, I am satisfied by the explanation offered. The petition is allowed to the extent mentioned in this order and with the following conditions.

6. **There shall be a stay of the petitioner's arrest in the case mentioned above for Ten days; however, if the petitioner fails to appear within this time of 10 days, then stay on arrest shall 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 7 Sep 2019 (Annexure P-6), issued by the concerned Court against the petitioner in the matter mentioned above shall stand quashed, warrants canceled, and bonds restored. However, in case the Id. trial court so desires, it may ask the petitioner to furnish fresh bail bonds, and in such an eventuality, the petitioner shall execute a bond for attendance in the concerned court to its satisfaction.**

7. **Within ten days from today**, the petitioner shall procure a smartphone and inform its IMEI number and other details to the SHO/I.O. of the concerned Police station. The petitioner shall always keep the phone location/GPS on the "ON" mode. Whenever the Investigating officer asks to share the location, the petitioner shall immediately do so. The petitioner shall neither clear the location history, WhatsApp chats, calls nor format the phone without permission of the concerned SHO/I.O. This condition shall continue till the completion of the trial or closure of case, whatever is earlier.

8. **Within ten days from today**, the petitioner shall deposit a sum of rupees ten thousand in 'High Court Lawyers Welfare Fund,' Account number 65018692589, SB, IFCI code SBIN0050306, Branch Code 50306, Branch Address State Bank of India, High Court Branch, Sector 1, Chandigarh. After depositing, the petitioner shall file the proof of deposit, before the concerned court and send its copy alongwith a copy of this order to the Secretary, Punjab & Haryana High Court Bar Association, either in physical or electronic mode.

9. Any Advocate for the petitioner and the Officer in whose presence the petitioner puts signatures on personal bonds shall explain all conditions of this bail order in any language that the petitioner understands.

10. 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.

11. *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*

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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 mentioned above. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

01.04.2022
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Whether speaking/reasoned:	Yes
Whether reportable:	No.