

Sr.No.135

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

CRM-M-46616-2022(O&M)

Date of decision:07.10.2022

Himanshu @ Himanshu Takkar

... Petitioner(s)

versus

State of Haryana and another

... Respondent(s)

Coram: Hon'ble Mr. Justice Jagmohan Bansal

Present: Mr. Prashant Singh Chauhan, Advocate for the petitioners.

Jagmohan Bansal, J.(Oral)

Through instant petition under Section 482 of the Code of Criminal procedure, the petitioner is seeking quashing of order dated 28.09.2022 passed by learned Additional Sessions Judge, Rewari.

Learned counsel for the petitioner contends that sentence of the petitioner during the pendency of the appeal was suspended vide order dated 29.11.2017 passed by learned Additional Sessions Judge, Rewari in CRA-87-2017 (Annexure P-1).

Learned Appellate court vide order dated 28.09.2022 has cancelled bail order and bail bonds have been forfeited. Learned Appellate court has further ordered to summon the petitioner through arrest warrants.

The petitioner further contends that he could not appear before learned Appellate court on the date fixed because he was having a throat infection and due to which he was down with fever. In these circumstances, petitioner failed to appear on the date fixed, however, undertakes to appear before learned Appellate court on each and every date.

Notice of motion.

On the asking of Court, Mr. Amit Aggarwal, DAG, Haryana accepts notice on behalf of the respondent-State and fairly does not disputes

the facts, however, prays for imposing of costs.

It is undisputed fact that sentence of the petitioner was suspended by learned Appellate court till the final decision of the appeal and sentence awarded against petitioner is six months. The petitioner has further deposited a sum of Rs. 1 lakh at the time of suspension of sentence by learned appellate Court, Rewari.

Right of personal liberty guaranteed by Article 21 of the Constitution of India is one of the most pious and important fundamental right guaranteed by our Constitution. Arrest not only deprives right of personal liberty but also causes mental agony, stress and tarnish reputation of entire family. There is certainly lapse on the part of petitioner and reasons advanced are not much convincing, however, keeping in view facts and circumstances, I deem it appropriate to extend the concession of bail to petitioner, subject to furnishing of fresh bail bonds to the satisfaction of learned Appellate court.

The petitioner is directed to appear before the learned Additional Sessions Judge, Rewari on 17.10.2022 and furnish fresh bail bonds. He is further directed to deposit costs of Rs.25,000/- to be paid to the respondent-State.

In view of the above, the petition is disposed of.

7th October, 2022

Shivani Kaushik

Whether speaking/reasoned

Whether Reportable

Yes/No

Yes/No

[JAGMOHAN BANSAL]

JUDGE