

CRM-M-49152-2022

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

CRM-M-49152-2022

Date of decision: 10.11.2022

Sunil

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Parveen Kaushik, Advocate,
for the petitioner.

Mr. Pawan Kumar Jhanda, AAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Challenge in the present petition is to the order dated 18.04.2022 (Annexure P-2) passed by learned Addl. Sessions Judge, Jhajjar, vide which bail granted to the petitioner in CRA-100-2018, titled as 'Manjeet etc. Vs. State of Haryana', has been cancelled and warrant of arrest has been issued against him, and the order dated 03.10.2022 (Annexure P-3) passed by learned Addl. Sessions Judge, Jhajjar, vide which bail application filed by the petitioner has been dismissed.

Status report dated 08.11.2022, by way of affidavit of the Deputy Superintendent of Police, City Jhajjar, District Jhajjar, filed in the Court today, is taken on record.

Learned counsel for the petitioner contends that vide judgment of conviction and order of sentence dated 13.06.2018, the petitioner was sentenced to undergo rigorous imprisonment for a period of one year under Section 379 IPC in FIR No.355 dated 26.05.2014, registered at Police

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Station Jhajjar; that aggrieved thereagainst, the petitioner preferred an appeal i.e. CRA-100-2018 before learned Addl. Sessions Judge, Jhajjar, and that after having been granted the concession of bail, the petitioner had been regularly appearing before the Appellate Court.

He further contends that however on 18.04.2022, the petitioner could not appear before the Appellate Court, following which his bail was cancelled and bonds were forfeited to the State; that absence of the petitioner before the Appellate Court was not intentional, rather for the reason that he was lodged in Tihar Jail at that time in connection with FIR No.210 dated 04.03.2022, registered at Police Station Narela Industrial Area, but was released on bail on 30.07.2022.

On the other hand, learned State counsel, while opposing the prayer made in the present petition, submits that the Appellate Court has rightly issued the warrant of arrest against the petitioner. He also submits that the petitioner is a habitual offender and there are as many as 38 cases registered or pending against the petitioner, and that the petitioner was arrested on 26.09.2022 in the present case.

I have heard the learned counsel for the parties.

Indisputably, when the bail of the petitioner was cancelled by the Appellate Court, he was lodged in Tihar Jail in FIR No.210 dated 04.03.2022, under Section 186, 353, 307 and 34 IPC, and Section 25 of the Arms Act, 1959, registered at Police Station Narela Industrial Area, but was released on bail on 30.07.2022. It appears that absence of the petitioner before the Appellate Court was not intentional, but due to the reason mentioned above.

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In view of the above, but going into the merits of the case, the
impugned order dated 18.04.2022 (Annexure P-2) is set aside.

Disposed of.

10.11.2022
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No