

CRM-M No.50652 of 2022 (O&M)

Date of decision : 21.11.2022

Mithu Ram

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Ms. Lipika Dahiya Mamli, Advocate
for the petitioner.

PANKAJ JAIN, J. (ORAL)

By way of present petition filed under Section 482 Cr.P.C. the petitioner seeks quashing of the order dated 29.04.2022 (Annexure P-3) passed by Additional Sessions Judge, Fatehabad passed in FIR No.296 dated 06.12.2016 registered for offence punishable under Section 21 of the NDPS Act at Police Station City Jakhal, District Fatehabad vide which bail bonds and surety bonds of the petitioner have been cancelled and non-bailable warrants have been issued.

Counsel for the petitioner submits that the petitioner was granted bail vide order dated 10.01.2017 and since then he had been regularly appearing before the trial Court but on 29.04.2022, the petitioner could not appear for the reasons as asserted in the petition in para Nos.3 & 4, which read as under :-

“3. That the petitioner has been falsely involved in the alleged offence. The petitioner was granted bail on 10.01.2017 by the Ld. Additional Sessions Judge, Fatehabad. The copy of the order dated 10.01.2017 is attached herewith as Annexure P-2.

4. That the petitioner was continuously appearing in the case and he has never absented from the court. On 29.04.2022, the petitioner was to come from Jakhal to Fatehabad and he has reached late because of the bus problem and by the time, the petitioner has reached to the court his bail bond was already cancelled and warrant of arrest was issued against the petitioner. The copy of the order dated 29.04.2022 is attached herewith as Annexure P-3.”

Notice of motion.

On the asking of the Court, Mr. Ramesh Kumar Ambavta, AAG, Haryana, appears and accepts notice on behalf of the respondent-State.

Keeping in view the aforementioned assertions, this Court is of the considered opinion that it will be in the fitness of things that the petitioner be directed to appear before the trial Court on or before 30.11.2022. On his doing so, he may move an application seeking admission of bail. In case such application is moved, the trial Court shall decide the same in accordance with law within 7 days thereafter.

Petition stands disposed off.

(PANKAJ JAIN)
JUDGE

21.11.2022
Pooja sharma-I

Whether speaking/reasoned
Whether Reportable :

Yes
No