

In the High Court of Punjab and Haryana at Chandigarh

115

CRM-M-53462 of 2022

Date of Decision: 18.11.2022

K.Mahaveer Munot

---Petitioner

versus

State of U.T. and another

---Respondents

Coram: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Mandeep Kumar Dhot, Advocate
for the petitioner

Mr. Yashwant Singh Rathore, AAP, UT Chandigarh

JAGMOHAN BANSAL,J. (ORAL)

Through instant petition under Section 482 of Code of Criminal Procedure, 1973, the petitioner is seeking quashing of order dated 6.4.2022 (Annexure P-7) vide which bail of the petitioner was cancelled and order dated 2.9.2022 whereby the petitioner has been declared proclaimed person in complaint case bearing No.NACT 822 of 2019 dated 23.1.2019 titled as “M/s Theogen vs. M/s Shri Mahaveer Medical Stores and another” passed by Judicial Magistrate Ist Class, Chandigarh.

Learned counsel for the petitioner submits that the petitioner was granted bail by the trial court vide order dated 2.3.2021. Due to Covid-19, matter was time to time adjourned. The petitioner is resident of Chennai. The petitioner engaged another counsel as his earlier counsel expired, which resulted into passing of orders of cancellation of bail bonds and declaring him a proclaimed person. The petitioner is ready to face trial on each and every date.

Notice of Motion.

On the asking of the Court Mr. Yashwant Singh Rathore, Addl.PP, for UT, accepts notice on behalf of respondent-State and fairly does not dispute the facts.

Right of personal liberty granted 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 the fact that petitioner is resident of Chennai, ready to face trial and appear on each date, the alleged offence is bailable and compoundable, orders dated 6.4.2022 (Annexure P-7) and dated 2.9.2022 (Annexure P-10) are set aside and the petitioner is directed to appear before learned Trial Court on 29.11.2022. On the petitioner putting in appearance before the trial court, the trial court shall release him on bail on his furnishing bail bonds to its satisfaction. The petitioner, as agreed, shall pay costs of Rs.35,000/-, to be paid to respondent No. 2.

Disposed of in above terms.

(JAGMOHAN BANSAL)
JUDGE

18.11.2022

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