

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-55193-2022
Date of decision : 29.11.2022

Ajay @ Ajay Kumar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Sudhir Rana, Advocate
for the petitioner.

Mr.Praveen Bhadu, AAG, Haryana.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 482 Cr.P.C. for quashing of order dated 05.04.2022 (Annexure P-2) vide which the bail order of the petitioner has been cancelled and non-bailable warrants of the petitioner were issued in FIR no.213 dated 18.09.2018 registered under Section 379-B read with Section 34 IPC and Section 25 of the Arms Act, 1959 at Police Station Bawal, District Rewari.

Learned counsel for the petitioner has submitted that the petitioner was granted regular bail vide order dated 24.12.2018 and was regularly appearing before the trial Court but on 05.04.2022 on account of another FIR having been lodged against the present petitioner i.e., FIR no.435 dated 28.12.2021 Police Station Dharuhera, the petitioner could not appear as the petitioner was arrested in the said case and was granted regular bail vide order dated 10.10.2022 passed by the Additional Sessions

Judge, Rewari. It is submitted that the case is now fixed for 01.12.2022 and the petitioner undertakes to appear before the trial Court on each and every date except the date on which the personal appearance of the petitioner is specifically exempted and the petitioner is also ready to pay an amount of Rs.7000/- to the complainant Salim and Rs.4000/- to PW namely Narender who was present on 05.04.2022 without admitting his liability and in order to show his bonafide.

Notice of motion.

Mr.Praveen Bhadu, AAG, Haryana. appears and accepts notice on behalf of the respondent-State. He has opposed the present petition and has submitted that the petitioner was well aware about the date and his non-appearance was intentional and the impugned order has been rightly passed by the trial Court.

This Court has heard learned counsel for the parties and has perused the paper book.

The petitioner was released on bail vide order dated 24.12.2018 passed by the Additional Sessions Judge, Rewari and the petitioner was regularly appearing before the trial Court and could not appear on 05.04.2022 before the trial Court on account of being involved in another case and in the said case he was granted regular bail vide order dated 10.10.2022. A perusal of the order dated 05.04.2022 would show that one PW Narender was present. The next date in the present case before the trial Court is 01.12.2022. The petitioner has undertaken to appear before the trial Court on each and every date of hearing except the dates on which his personal appearance is specifically exempted.

Keeping in view the above said facts and circumstances, the

present petition is allowed and order dated 05.04.2022 to the extent that the bail order of the present petitioner has been cancelled and the bail bonds and surety bonds of the present petitioner have been cancelled and non-bailable warrants has been issued against the present petitioner and notice to his surety has been issued, is set aside subject to the petitioner appearing before the trial Court/Duty Magistrate within a period of one week from today and also subject to the petitioner giving an undertaking before the trial Court that he would appear on each and every date of hearing till his presence is specifically exempted and also subject to the petitioner depositing an amount of Rs.11000/- within the aforesaid period with the trial Court and the trial Court is directed to release the said amount as under:-

Rs.7000/- to the complainant – Salim

Rs.4000/- to PW Narender

It is made clear that in case the petitioner does not comply the above said conditions, the present petition shall be deemed to have been dismissed.

(VIKAS BAHL)
JUDGE

November 29, 2022

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No