

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

122

CRM-M-57549-2022

Date of Decision: 09.12.2022

Aman @ Aman Sonkar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Munish Behl, Advocate,
for the petitioner

Ms. Dimple Jain, AAG, Haryana

JAGMOHAN BANSAL, J. (Oral)

The petitioner through instant petition under Section 482 Cr.P.C. is seeking quashing of order dated 31.08.2022 (Annexure P-3) passed by Additional Sessions Judge, Ambala, whereby petitioner's bail has been cancelled, his bail bonds and surety bonds have been forfeited to State and non-bailable warrants against the petitioner have been issued in FIR No.364 dated 21.10.2017 (Annexure P-1) registered under Sections 148, 149, 307 & 323 IPC (later Sections 324, 201 IPC & 25-54-59 of Arms Act added) at Police Station Ambala Cantt., District Ambala

Learned counsel for the petitioner, *inter alia*, submits that the petitioner was arrested on 21.10.2017 and thereafter released on bail by ASJ, Ambala, vide order dated 10.04.2018. The petitioner was regularly appearing before the trial Court, however, due to his visit to New Delhi, failed to appear on 31.08.2022. An application seeking exemption was filed which was rejected on the ground that petitioner on earlier occasions had moved similar application. The petitioner is not involved in any criminal case and has not been declared proclaimed offender. The petitioner is ready to face the trial and

undertakes to appear on each and every date before the trial Court. The petitioner is ready to pay costs of Rs.10,000/-. No prejudice is going to be caused to the prosecution if an opportunity is granted to the petitioner.

Notice of motion.

Ms. Dimple Jain, AAG, Haryana accepts notice on behalf of respondent-State and submits that State has no objection if the present petition is disposed of, subject to costs.

Intent of arrest and reason of denial of bail is to secure the appearance of the accused at the time of trial. A person who seeks to be liberated must take judgment and serve sentence in the event of his conviction. The nature of the crime charged, severity of punishment prescribed, prime facie available evidences, history & background of the accused may indicate that any amount of bond and surety is not going to secure presence of accused, at the time of conviction.

Keeping in mind:

- (i) The object of cancellation of bond or declaration of anyone as proclaimed offender/person is to secure his presence. The petitioner has come forward to face trial and undertakes to appear before trial court on each and every date, thus, his presence would meet ends of justice;
- (ii) The petitioner has already been granted concession of regular bail by Additional Sessions Judge, Ambala, vide order dated 10.04.2018.

- (iii) The petitioner for wasting valuable time and energy of courts as well prosecution is willing to pay costs of Rs.10,000/-;
- (iv) The petitioner is ready to furnish bond/surety to the satisfaction of the trial court;
- (v) The petitioner is not involved in any other offence;
- (vi) Trial is pending since 2017 and petitioner is ready to face trial, thus, no prejudice is going to be caused to prosecution or complainant;

this court is of the considered opinion that present petition needs to be allowed, and accordingly, petition is allowed. The petitioner is directed to appear before trial Court on 12.12.2022 (actual date fixed before the trial Court) and on his doing so, the trial court shall release him on bail on his furnishing bail bonds. The petitioner, as agreed, shall pay costs of Rs.10,000/- to the District Legal Services Authority, Ambala.

Disposed of in above terms.

(JAGMOHAN BANSAL)
JUDGE

09.12.2022

Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>