

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-59609-2022
Date of decision : 20.12.2022

Pardeep Kumar and others

... Petitioners

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Anoop Kumar Yadav, Advocate
for the petitioners.

Mr.Praveen Bhadu, AAG, Haryana.

VIKAS BAHL, J.(ORAL)

This is the petition under Section 482 Cr.P.C. praying for quashing impugned order dated 10.03.2021 passed by the Judicial Magistrate Ist Class, Narnaul whereby the non-bailable warrants were issued against the present petitioners in FIR no.326 dated 07.12.2016 registered under Sections 323, 325, 34 IPC at Police Station Sadar Narnaul, District Mahendergarh along with all proceedings arising therefrom.

Learned counsel for the petitioners has submitted that the petitioners were granted bail and were appearing before the trial Court and on 09.09.2020 an application was moved by the prosecution under Section 319 Cr.P.C. and the case was adjourned on account of Covid 19 pandemic. It is further submitted that thereafter on 22.12.2020 also the matter was adjourned on account of Covid 19 pandemic and the case was fixed for 10.03.2021 and the petitioners were under the impression that on the said

date, the matter was adjourned but however the impugned order was passed. It is stated that on 10.03.2021 no witness of the prosecution was present. It is further stated that on 10.05.2021 again the case was adjourned on account of lockdown in the State of Haryana and thereafter on 22.11.2021 non-bailable warrants were issued against the present petitioners and the case was fixed for 16.05.2022 and it was at that instance that the petitioners learnt about the said proceedings and had applied for the concession anticipatory bail which had been dismissed on 24.11.2022 and had even approached this Court and had withdrawn the petition for anticipatory bail with liberty to file a fresh petition under Section 482 Cr.P.C. It is submitted that the case is now fixed for 13.01.2023 and the petitioners undertake to appear on each and every date of hearing before the trial Court except the date on which their personal appearance is specifically exempted. The petitioners are also ready to compensate the complainant and pay Rs.5000/- each (total amount of Rs.15,000/-) on account of the delay caused.

Learned State counsel, on the other hand, has opposed the present petition and has submitted that the petitioners were well aware of the proceedings and thus, the impugned order dated 10.03.2021 has been rightly passed.

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

Keeping in view the abovesaid facts and circumstances moreso, the fact that the zimni orders dated 09.09.2020, 04.11.2020, 22.12.2020 and 10.05.2021 would show that the matter was adjourned on account of Covid 19 pandemic and also the fact that the petitioners now undertake to appear before the trial Court on or before 13.01.2023 and are also ready to

compensate the complainant, the present petition is allowed and the impugned order dated 10.03.2021 is set aside, subject to the petitioners appearing before the trial Court on or before 13.01.2023 and also subject to the petitioners giving an undertaking before the trial Court that they would appear on each and every date of hearing unless their personal appearance is specifically exempted and on appearance of the petitioners before the trial Court, the petitioners would be released on bail on their furnishing bail bonds and surety bonds subject to the satisfaction of the trial Court.

The petitioners are, however, directed to deposit the amount of Rs.15,000/- (Rs.5000/- by each petitioner) on or before 13.01.2023 before the trial Court and the trial Court is directed to release the said money to the complainant in the present case and the said deposit would not be construed as admission of guilt by the petitioners.

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

(VIKAS BAHL)
JUDGE

December 20, 2022
Davinder Kumar

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