

In the High Court of Punjab and Haryana at Chandigarh

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CRM-M-1361 of 2023

Date of Decision: 11.1.2023

Aarif Khan

---Petitioner

versus

State of Haryana

---Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Ashish Sanghi, Advocate for
Mr. S.K.Panwar, Advocate
for the petitioner
Ms. Dimple Jain, AAG, Haryana

JAGMOHAN BANSAL, J. (ORAL)

Through instant petition under Section 482 of Code of Criminal Procedure, 1973, the petitioner is seeking quashing of order dated 3.10.2022 (Annexure P-3) whereby application of the petitioner for exemption from personal appearance in case SC/144/2019 titled as “State vs. Aarif” arising out of FIR No. 153 dated 6.11.2018 under Section 376(2)(n), 406, 506 IPC, registered at Police Station Sector 51, Women, District Gurugram has been dismissed and warrants of arrest have been issued.

Learned counsel for the petitioner inter alia contends that petitioner moved an application seeking exemption from personal appearance and learned trial court vide impugned order dated 3.10.2022 rejected application seeking exemption from personal appearance and issued non-bailable warrants against the petitioner. The petitioner is not involved in any other case. The FIR was registered on 6.11.2018. The petitioner undertakes to appear before the trial court on each and every date. The petitioner is ready

to pay costs of Rs. 10,000/-.

Notice of Motion.

Ms. Dimple Jain, AAG, Haryana, who is present in Court, 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.

Keeping in mind:

1. 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;
2. The Petitioner for wasting valuable time and energy of courts as well prosecution is willing to pay costs of Rs. 10,000/-;
3. The Petitioner is not involved in any other offence;
4. Trial is pending since 2018 and petitioner is ready to face trial, thus, no prejudice is going to cause to prosecution or complainant;

this court is of the considered opinion that present petition needs to be allowed, and accordingly allowed. Order dated 3.10.2022 (Annexure P-3) passed by trial court is set aside, petitioner is directed to appear before the

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trial court on 16.1.2023 and furnish fresh bail/surety bonds with agreed costs of Rs. 10,000/-, to be deposited with the PGI, Poor Patient Welfare Fund, Chandigarh.

Disposed of in above terms.

**(JAGMOHAN BANSAL)
JUDGE**

10.1.2023
paramjit

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