

Ravi Sorout

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. M.D. Khan, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (ORAL)

The petitioner has filed the present petition seeking anticipatory bail in a case FIR No.347 dated 24.07.2018, under Section 25 of the Arms Act, 1959 and Sections 148, 149, 323, 324, 326, 307, 341, 506, 427 and Section 120-B IPC, registered at Police Station Hodal, District Palwal.

It has been contended by learned counsel for the petitioner that the petitioner was arrested and was granted bail by the learned trial Court on 12.08.2021, however, on 19.10.2022, he could not appear before the trial Court due to fever. He submits that though he informed about the same to his counsel, however, these facts could not be brought to the notice of the Court and on account of the same, his bail was cancelled on 19.10.2022. He submits that absence of the petitioner was totally unintentional and due to the circumstances beyond his control. He submits that thereafter, the petitioner filed application for anticipatory bail before the Sessions Court, which was dismissed by the learned Additional Sessions Judge, Palwal on 23.01.2023. He further submits that the petitioner has no criminal antecedents and he is ready to appear before the trial Court and abide by all the terms and condition imposed by this Court.

Notice of motion.

Mr. B.S. Virk, Deputy Advocate General, Haryana accepts notice
on behalf of the State.

Heard.

After hearing learned counsel for the parties and perusing the record, it is evident that on 19.10.2022, the petitioner remained absent on account of his being unwell and he had intimated this fact to his counsel and requested for exemption from his personal appearance, which was not done and due to non-appearance of the petitioner, his bail was cancelled and bail bonds/surety bonds were forfeited to the State. Thereafter, the learned Additional Sessions Judge also dismissed his application for anticipatory bail on 23.01.2023. In these circumstances, when the petitioner is ready to join the proceedings and to face the trial, the order dated 19.10.2022 is set aside subject to payment of Rs.10,000/- as costs to be deposited with the Poor Patients' Welfare Fund, PGIMER, Chandigarh by the petitioner within a period of one week from today.

The petitioner is directed to appear before the trial Court within 10 days from today and produce the receipt of abovesaid costs alongwith appropriate application and the trial Court would admit him to bail on his furnishing fresh bail/surety bonds to its satisfaction. The petitioner will have protection from arrest for a period of 10 days from today.

Needless to say that in case the petitioner fails to comply with the abovesaid direction, this order would be of no avail and the order dated 19.10.2022 will come in force.

30.01.2023
sharmila

(RAJESH BHARDWAJ)
JUDGE

Whether Speaking/Reasoned	:Yes/No
Whether Reportable	:Yes/No