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

CRM-M-23481-2023

Date of Decision:09.05.2023

PRASHANT DUBEY

..... Petitioner

*Versus***STATE OF HARYANA**

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Gaurav Tyagi, Advocate
for the petitioner.

Ms. Dimple Jain, DAG, Haryana.

JAGMOHAN BANSAL, J. (Oral)

1. Through instant petition under Section 482 of Code of Criminal Procedure, 1973, the petitioner is seeking quashing of order dated 24.02.2023 and order dated 06.04.2023 (Annexure P-8) whereby Judicial Magistrate 1st Class, Gurugram has issued non-bailable warrants against the petitioner and further initiated proceedings under Section 82 of Cr.P.C.

2. Learned counsel for the petitioner *inter alia* contends that petitioner was arrested in the aforesaid FIR and thereafter on the same day released on regular bail vide order dated 07.01.2017 passed Trial Court. Due to health problem, the petitioner failed to appear before the Trial Court on 24.02.2023 though petitioner was regularly appearing from 2017 to 2023. The petitioner moved an application seeking exemption, however, Trial Court has not considered application seeking exemption and issued non-bailable warrants. The Trial Court has initiated

proceedings under Section 82 Cr.P.C. to declare the petitioner proclaimed person. The trial is at its fag end. The petitioner has no intention to flee from justice. The petitioner undertakes to surrender before the Trial Court on or before 31.05.2023. He further undertakes to appear on each and every date fixed before the Trial Court unless and until specifically exempted. The petitioner is ready to pay costs of Rs.10,000/-.

3. Notice of motion.

4. On the asking of Court, Ms. Dimple Jain, DAG, Haryana accepts notice on behalf of the State. He does not dispute the above stated factual position. He has no objection, if petition is disposed of subject to costs.

5. 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.

6. 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 for wasting valuable time and energy of courts as well prosecution is willing to pay costs of Rs. 10,000/-;

- iii) The Petitioner is ready to furnish bond/surety to the satisfaction of the trial court;
- iv) The Petitioner is not involved in any other offence;
- v) The petitioner was initially granted regular bail by trial Court and thereafter, on many dates, he appeared before trial court;
- vi) Trial is pending since 2017 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, petition is allowed. The petitioner is directed to appear before learned Trial Court on or before 31.05.2023 and on his doing so, the Trial Court shall admit him to bail on furnishing fresh bail bonds alongwith costs of Rs. 10,000/- to be paid to the District Legal Services Authority, Gurugram.

7. Disposed of in above terms.

(JAGMOHAN BANSAL)
JUDGE

09.05.2023
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>