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

CRM-M-23390-2023

Date of Decision: May 09, 2023

Jaspal Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.Balbir Kumar Saini, Advocate
for the petitioner.

.....

RAJESH BHARDWAJ, J.(ORAL)

Prayer in the present petition is for quashing of impugned order dated 02.02.2023, Annexure P-8, vide which bail order of the petitioner has been cancelled and bail/surety bonds have been forfeited to the State and non-bailable warrants of arrest has been issued, and impugned order dated 21.03.2023, Annexure P-9, passed by learned Additional Sessions Judge/Special Designated Court, Ambala vide which proclamation under Section 82 Cr.P.C. has been issued against the petitioner in case FIR No.3800 dated 20.10.2020, Annexure P-1, under Sections 135/138 of Indian Electricity (Supply) Act, 2003, Police Station Irrigation & Power, Ambala, District Ambala. It is further prayed that during pendency of present petition, operation of impugned orders dated 02.02.2023 and 21.03.2023, Annexures P-8 and P-9 be stayed.

Learned counsel for the petitioner has submitted that the petitioner was regularly appearing before the Court, however, on

02.02.2023, due to illness, petitioner could not appear. He had informed his counsel to file an application for exemption from personal appearance, however the counsel also could not appear nor file application and hence his bail order was cancelled and bail/surety bonds were forfeited to State and non-bailable warrants were issued. It is further submitted that learned trial Court has further issued proclamation under Section 82 Cr.P.C. against the petitioner on 21.03.2023 for 21.04.2023 as the non-bailable warrants issued against him were received back unexecuted. He further submits that the learned trial Court wrongly observed that the petitioner was intentionally avoiding the service. The petitioner immediately filed the bail application before the learned Additional Sessions Judge, Ambala for grant of anticipatory bail, however, the same was dismissed. He submits that petitioner is ready to join the proceedings and contest the case on merit.

Notice of motion.

On asking of the Court, Mr.B.S.Virk, Sr.DAG, Haryana, who is present in Court, accepts notice on behalf of the respondents/State.

Learned State counsel has stated that the trial Court has rightly cancelled the bail order of the petitioner and issued non-bailable warrants against him as he remained absent from the proceedings without any reasonable cause.

Heard.

This Court is of the view that no useful purpose would be served by sending the petitioner behind the bars rather it will be appropriate if the petitioner is directed to face trial. As he is ready to join the proceedings, the present petition is disposed of and orders dated

02.02.2023 and 21.03.2023 are set aside subject to payment of Rs.5,000/- as costs to be deposited with the Poor Patients' Welfare Fund, PGIMER, Chandigarh, by the petitioner within a period of one week from today. In case, the petitioner appears and surrenders before the Court concerned within a period of 10 days from today and produce receipt of abovesaid costs and files an application for bail, the Court concerned would grant him bail to its satisfaction. He 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, he will have no benefit of abovesaid protection granted by this Court and orders under challenge dated 02.02.2023 and 21.03.2023, Annexures P-8 and P-9 would come in force.

May 09, 2023
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(RAJESH BHARDWAJ)
JUDGE

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| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |