

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-30943 of 2023

Date of Decision:20.06.2023.

Arun Kumar @ Arun Kumar Gupta**.....Petitioner****Versus****State of Haryana****..... Respondent*****CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL***

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

VIKRAM AGGARWAL, J. (ORAL)

1. Prayer in the present petition preferred under Section 482 of the Code of Criminal Procedure (for short 'the Cr.P.C') is for setting aside the order dated 02.03.2023 (Annexure P-7) vide which the bail of the petitioner was cancelled.

2. Learned counsel for the petitioner submits that the petitioner was regularly appearing before the trial Court after having been granted regular bail by this Court vide order dated 23.08.2022 (Annexure-2). Reference has been made to the orders (Annexures P-3 to P-6). He submits that on 02.03.2023 he could not appear as a result of which his bail was cancelled and non-bailable warrants were issued to procure his presence. Learned counsel submits that the petitioner is willing to surrender before the trial Court but apprehends that he shall be taken into custody as his bail stands cancelled. He further submits that the petitioner shall continue to appear before the trial Court regularly in future.

3. Notice of motion.

4. On the asking of the Court Mr. Amit Aggarwal, D.A.G., Haryana, accepts notice on behalf of the respondent.

5. The petitioner is facing trial in FIR No.0142 dated 08.05.2020 (Annexure P-1), registered under Section 323, 354, 376 and 506 of the Indian Penal Code, 1860, at Police Station Chandimandir District Panchkula. He was granted regular bail by this Court vide order dated 23.08.2022 (Annexure P-2). The orders (Annexures P-3 to P-6) do show that the petitioner was duly appearing before the trial Court. However, on 02.03.2023, he could not appear as a result of which his bail was cancelled and non-bailable warrants were issued to procure his presence. The conduct of the petitioner is deplorable since even after 02.03.2023, he did not bother to avail his remedies immediately and waited for a period of three months before approaching this Court by way of the present petition. However, keeping in view the fact that the petitioner was regularly appearing before the trial Court before the first default on 02.03.2023 as also the fact that his absence shall only further delay the trial, I deem it appropriate to dispose of the present petition with a direction that in case the petitioner surrenders before the trial Court within a period of 07 days from today and files an application for bail, he shall be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate. This shall however be subject to payment of Rs.20,000/- as costs to be deposited with the High Court Legal Services Committee. The petitioner shall continue to appear before the trial Court regularly and in case of any further default, the trial Court would be at liberty to proceed in accordance with law.

June 20th, 2023

Rekha

(VIKRAM AGGARWAL)
JUDGE

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