

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

118

CRM-M-38962-2023

Date of Decision: 09.08.2023

Sunil Kumar @ Sheru

...Petitioner

Versus

Union Territory Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present:- Mr. Ashish Rana, Advocate,
for the petitioner.

VIKAS SURI, J.

1. The instant petition preferred under Section 482 Cr.P.C. is for quashing/setting aside of order dated 18.04.2023 (Annexure P-3), order dated 22.05.2023 (Annexure P-4) and order dated 10.07.2023 (Annexure P-5) passed in FIR No.209 dated 01.07.2020, under Section 308, 325, 506, 34 IPC, registered at Police Station Sector 39, Chandigarh, whereby bail of the petitioner was cancelled and warrants of arrest have been issued.

2. Learned counsel for the petitioner submits that the petitioner was initially granted the benefit of bail in this case and was regularly appearing before the trial Court. It is submitted that on 27.03.2023, complainant appeared before the trial Court for deposition and was declared hostile as he did not recognize the petitioner in Court. On that account, petitioner was informed by his counsel that he will be acquitted in this case.

The petitioner misunderstood that he has been acquitted in this case and

need not to appear before the Court. On 18.04.2023, petitioner did not appear before the trial Court, when his bail was cancelled. Thereafter, on 22.05.2023, warrants of arrest were again ordered to be issued against the petitioner but the same remained unserved. On 10.07.2023, fresh warrants of arrest have been ordered to be issued against the petitioner for 01.09.2023. Counsel submits that at this stage of time, petitioner came to know that the trial against him is still going on, in which warrants of arrest have been ordered to be issued against him.

3. Learned counsel for the petitioner submits that the absence of the petitioner before the trial Court is not intentional, rather due to misunderstanding that he has been acquitted. Referring to the statement of complainant-Harpreet Singh, it is submitted that the complainant has been examined in this case and declared hostile and thus, no useful purpose would be served by sending the petitioner behind the bars. Counsel submits that petitioner is ready to appear before the trial Court and abide by all terms and conditions imposed by the Court. He submits that the petitioner is keen to join the proceedings and volunteers to deposit a sum of ₹10,000/- for any social cause to benefit the society at large.

4. Notice of motion.

5. Mr. A.M. Punchhi, Public Prosecutor for U.T. Chandigarh, accepts notice on behalf of respondent-State and waives service.

6. Learned State counsel has opposed the submissions made by learned counsel for the petitioner and stated that the trial Court has rightly

cancelled the bail of the petitioner, who failed to appear before the Court on the date fixed. He further submits that the petitioner is intentionally evading the process only to delay the proceedings.

7. I have heard counsel for the parties and perused the record.

8. After hearing learned counsel for the parties and perusing the record, it is evident that the petitioner remained absent on 18.04.2023 when his bail was cancelled and bail bonds were forfeited to the State and he was ordered to be summoned through warrants of arrest. The reason for his absence has been given that the petitioner has misunderstood that he has been acquitted by the trial Court as complainant has turned hostile. As the petitioner is keen to join the proceedings, no useful purpose would be served by sending him behind the bars rather it will be appropriate if he is allowed to join the proceedings in the main case.

9. So keeping in view the abovesaid facts, the present petition is disposed of and the order dated 18.04.2023 (Annexure P-3), order dated 22.05.2023 (Annexure P-4) and order dated 10.07.2023 (Annexure P-5) are set aside subject to payment of ₹10,000/- as costs to be deposited with the 'Punjab and Haryana High Court Bar Association Benevolent Fund' by the petitioner within a period of 10 days from today.

10. In case the petitioner appears and surrenders before the Court concerned within a period of 10 days from today and files an appropriate application for bail alongwith receipt of abovesaid costs, the Court concerned is directed to admit him to bail subject to its satisfaction and

proceed with the trial in accordance with law. He will have protection from arrest for a period of 10 days from today.

10. Needless to say that in case the petitioner fails to comply with the abovesaid direction, he will have no benefit of above said protection granted by this Court and order dated 18.04.2023 (Annexure P-3), order dated 22.05.2023 (Annexure P-4) and order dated 10.07.2023 (Annexure P-5), would come in force.

August 09, 2023
Harish

(VIKAS SURI)
JUDGE

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