

227-1

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

**CRM-M No. 43966 of 2023
Date of Decision: 22.09.2023**

SAJID ALI

... Petitioner

Versus

SANJIV KUMAR

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Vijayveer Singh, Advocate for
Mr. Akshay Kumar Jindal, Advocate
for the petitioner.

Mr. Ankur Mittal, Advocate with
Ms. Kushaldeep Kaur, Ms. Neelam Chaudhary,
Mr. Shivam Garg, Advocates for the respondent

.....

SANJIV BERRY, J. (ORAL)

The instant petition under Section 482 Cr.P.C. has been preferred by the petitioner for quashing of the order dated 25.01.2023 (Annexure P-7) passed by learned Additional Sessions Judge, Karnal in CIS No. CRA-84-2021 dated 01.10.2021 (Sajid Ali vs. Sanjiv Kumar) (Annexure P-3), in Complaint No. NI/4880/2018 dated 03.07.2018, whereby the bail bonds submitted by the petitioner has been ordered to be forfeited. He further seeks quashing of the order dated 12.07.2023 (Annexure P-9), passed by Additional Sessions Judge, Karnal, whereby warrants of arrest have been

issued against the petitioner.

2. Mr. Ankur Mittal, Advocate has put in appearance on behalf of respondent and filed Vakalatnama. The same is taken on record.

3. It is, *inter alia*, contended by learned counsel for the petitioner that in compliance of the order dated 04.09.2023 the petitioner had surrendered and furnished regular bail bonds in the Court of learned Additional Sessions Judge, Karnal, copy of the order has also been placed on record, and as such, it is submitted that the impugned orders be set aside and the interim bail granted to the petitioner will be confirmed.

4. The learned counsel for the respondent although admitted the fact that the petitioner had surrendered and furnished the requisite bail bonds in the Court of learned Additional Sessions Judge. He submits that since he has misused concession of bail, he is not entitled for any relief and prayed for dismissal of petition.

5. After considering the rival contentions and perusing the record, it transpires that by way of present petition under Section 482 Cr.P.C. petitioner had sought the quashing of impugned order dated 25.01.2023 (Annexure P-7) passed by learned Additional Sessions Judge, Karnal in CIS No. CRA-84-2021 dated 01.10.2021 (Sajid Ali vs. Sanjiv Kumar) (Annexure P-3), in Complaint No. NI/4880/2018 dated 03.07.2018, whereby the bail bonds submitted by the petitioner has been ordered to be forfeited on account of his absence from Court on 25.01.2023. It is the contention of the petitioner that on 25.01.2023 an application for seeking his exemption had been moved by his counsel on the ground that the petitioner had to go out of

station to attend the last rites of near relative due to which he is unable to attend the Court, but the request was not accepted to and his bail bonds were cancelled and forfeited. Consequently in pursuance of the order dated 04.09.2023 passed by this Court the petitioner has already surrendered in the Court and furnished the bail bonds, this fact is even not disputed by learned counsel appearing on behalf of respondent.

6. Therefore, in the light of the above facts and circumstances, since the petitioner has already appeared in the trial Court and furnished the requisite bail bonds, interim bail granted to the petitioner vide order dated 04.09.2023 is hereby confirmed and the impugned orders dated 25.01.2023 (Annexure P-7) and 12.07.2023 (Annexure P-9) passed by learned Additional Sessions Judge, Karnal are set aside.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

22.09.2023

Gyan

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No