

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

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CRM-M-60274-2022

Date of Decision: 16.01.2023

Jakir Alam

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. S.K. Tripathi, Advocate for the petitioner

Ms. Dimple Jain, AAG, Haryana

JAGMOHAN BANSAL, J. (Oral)

Through instant petition under Section 482 Cr.P.C., the petitioner is seeking quashing of impugned orders dated 28.10.2022 & 30.11.2022 (Annexure P/4 & Annexure P/5), whereby Additional Sessions Judge/Special Court, Panchkula in Case No.SC/118/2019 dated 11.10.2019 against FIR No.0093 dated 19.07.2019 under Sections 354-C, 376-D, 506 and 120-B of IPC, registered at Women Police Station, Panchkula, has cancelled the bail of the petitioner and his bail bonds and surety bonds has been ordered to be forfeited and warrant of arrest has been issued against the petitioner.

Learned counsel for the petitioner, *inter alia*, contends that petitioner was granted regular bail vide order dated 06.07.2020 (Annexure P-2) passed by this Court. The petitioner since July 2020 was regularly appearing before Trial Court, however, petitioner due to the

fact that he was suffering from dengue, failed to appear before the Trial Court on 28.10.2022 and Trial Court on the said date, cancelled bail bonds and issued Non-Bailable Warrants. The petitioner is not involved in any other case and he is a labourer. The petitioner has already suffered incarceration of more than 11 months. The petitioner undertakes to appear on each and every date before the trial court. The lapse was unintentional.

Notice of motion.

On the asking of Court, Ms. Dimple Jain, AAG, Haryana accepts notice on behalf of respondent-State. She does not dispute the above stated factual position and submits that respondent-State has no objection, if petition is disposed.

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.

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 is ready to furnish bond/surety to the satisfaction of the Trial Court;
- iii. The petitioner is resident of Kalka, District Panchkula and trial is pending at Panchkula, thus jurisdictional Court and police authorities have direct access over the activities of the petitioner;
- iv. The petitioner was granted regular bail vide order dated 06.07.2020 (Annexure P-2) passed by this Court and thereafter petitioner appeared before Trial Court on many dates;
- v. Trial is pending since 2019 and petitioner is ready to face trial, thus, no prejudice is going to cause to prosecution or complainant; and
- vi. The petitioner has already suffered incarceration of more than 11 months;

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 31.01.2023

and on his doing so, the Trial Court shall admit him to bail on furnishing of fresh bail bonds.

Disposed of in above terms.

(JAGMOHAN BANSAL)
JUDGE

16.01.2023
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>