

In the High Court of Punjab and Haryana at Chandigarh

126

CRM-M-60715 of 2022

Date of Decision: 13.1.2023

Mukesh

---Petitioner

versus

State of Haryana

---Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Vivek Goyal, Advocate
for the petitioner
Ms. Dimple Jain, AAG, Haryana

JAGMOHAN BANSAL, J. (ORAL)

Through instant petition under Section 482 of Code of Criminal Procedure, 1973, the petitioner is seeking quashing of orders dated 28.10.2022 (Annexure P-3) and 15.11.2022 (Annexure P-4) whereby bail granted to the petitioner was cancelled and warrants of arrest have been issued.

Learned counsel for the petitioner inter alia contends that petitioner was granted regular bail vide order dated 1.3.2019 passed by Additional Sessions Judge, Panchkula. The petitioner was regularly appearing before trial court, however, failed to appear on 28.10.2022 and ASJ, Panchkula has cancelled bail/surety bonds of the petitioner and issued warrants of arrest against the petitioner. The complainant has already tendered statement in favour of the petitioner. The petitioner is not involved in any other case. The FIR was registered on 22.11.2017. The petitioner

undertakes to appear before the trial court on each and every date. The petitioner is ready to pay costs of Rs. 10,000/-.

Notice of Motion.

Ms. Dimple Jain, AAG, Haryana, who is present in Court, accepts notice on behalf of respondent-State and fairly does not dispute the facts.

Right of personal liberty granted by Article 21 of the Constitution of India is one of the most pious and important fundamental right guaranteed by our Constitution. Arrest not only deprives right of personal liberty but also causes mental agony, stress and tarnish reputation of entire family.

Keeping in mind:

1. 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;
2. The Petitioner for wasting valuable time and energy of courts as well prosecution is willing to pay costs of Rs. 10,000/-;
3. The petitioner is ready to furnish bail/surety bonds to the satisfaction of trial court;
4. The Petitioner is not involved in any other offence;
5. The petitioner is resident of Panchkula and trial is pending at Panchkula, thus, jurisdictional court and police authorities have direct access over the activities of

the petitioner;

6. The petitioner was initially granted regular bail and petitioner thereafter on many dates appeared before trial court.

7. Trial is pending since 2018 and petitioner is ready to face trial, thus, no prejudice is going to cause to prosecution or complainant;

this court is of the considered opinion that present petition needs to be allowed, and accordingly allowed. Orders dated 28.10.2022 (Annexure P-3) and 15.11.2022 (Annexure P-4) passed by trial court are set aside. Petitioner is directed to appear before the trial court on 20.1.2023 and furnish fresh bail/surety bonds with agreed costs of Rs. 10,000/-, to be deposited with the Punjab and Haryana High Court Bar Association Lawyers' Family Welfare Fund.

(JAGMOHAN BANSAL)
JUDGE

13.1.2023

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No