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CRM-M-4411-2024

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2024-PHHC-118048



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-4411-2024
Date of decision: 05.09.2024

NITESH KAMBOJ

....Petitioner

Versus

STATE OF HARYANA AND ANOTHER

....Respondents

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Anmol Sharma, Advocate for
Mr. Namit Khurana, Advocate
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

.....

SANJIV BERRY, J. (ORAL)

The instant petition under Section 482 Cr.P.C. has been moved by the petitioner seeking quashing of the impugned order dated 09.01.2023 (Annexure P-4) passed by learned Additional Sessions Judge, Yamuna Nagar at Jagadhri in case titled as '*Nitesh Kamboj Vs. Central Bank of India & another*', whereby on account of non-deposit of 20 per cent of the amount as ordered by the learned First Appellate Court, the bail bonds of the petitioner were cancelled and was ordered to be summoned through non-bailable warrants of arrest.

2. Learned counsel for the petitioner *inter alia* contends that in compliance of the order dated 29.01.2024, petitioner appeared before the learned trial Court on 06.02.2024 and furnished requisite bail bonds, surety bonds besides depositing the compensation amount. He has placed on



record copy of order dated 06.02.2024 passed by learned Additional Sessions Judge, Yamuna Nagar at Jagadhri. He contends that since the petitioner has joined the trial Court proceedings, as such the order dated 09.01.2023 (Annexure P-4) passed by learned Additional Sessions Judge, Yamuna Nagar at Jagadhri whereby on account of non-deposit of 20 per cent of the amount as ordered by the learned First Appellate Court, the bail bonds of the petitioner were cancelled and was ordered to be summoned through non-bailable warrants of arrest, be quashed.

3. Learned State counsel has not disputed the aforesaid factual matrix of the case and submits that petitioner appeared on 06.2.2024 before the learned trial Court and furnished requisite bail bonds.

4. Heard.

5. During the course of the proceedings, following order was passed on 29.01.2024:-

1. By way of the present petition filed under Section 482 Cr.P.C., the petitioner has sought quashing of the impugned order dated 09.01.2023 (Annexure P-4) whereby on account of non-deposit of 20 per cent of the amount as ordered by the learned First Appellate Court, the bail bonds of the petitioner had been cancelled and he was ordered to be summoned through non bailable warrants of arrest.

2. Learned counsel for the petitioner submits that the next date before the learned First Appellate Court is 11.03.2024 for the presence of the petitioner through non-bailable warrants of arrest on account of non-deposit of 20 per cent of the compensation amount. He submits that the petitioner is ready to deposit this amount in the learned First Appellate Court and prayed for concession of bail.

3. Notice of motion.



4. *On the asking of the Court, Mr. Surender Singh, AAG, Haryana, who is present in Court, accepts notice on behalf of the respondent No.1-State.*
5. *Notice to respondent No.2 for 22.02.2024.*
6. *Dasti as well.*
7. *In the meanwhile, the petitioner is hereby directed to appear in the trial Court and on his depositing the 20% of the compensation amount, as per the impugned order dated 09.01.2023 before the learned trial Court, he is ordered to be released on interim bail to the satisfaction of the concerned Court.”*
6. Keeping in view the fact that the petitioner has already appeared on 06.02.2024 before the learned trial Court and furnished requisite bail/surety bonds besides depositing the compensation amount consequent to the order dated 29.01.2024, passed by this Court, the present petition is allowed and order dated 09.01.2023 (Annexure P-4), passed by learned Additional Sessions Judge, Yamuna Nagar at Jagadhri, whereby on account of non-deposit of 20 per cent of the amount as ordered by the learned First Appellate Court, the bail bonds of the petitioner were cancelled and was ordered to be summoned through non-bailable warrants of arrest is hereby set aside and the interim bail granted vide order dated 29.01.2024 is hereby confirmed.
7. The Petition stands disposed of.

05.09.2024
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(SANJIV BERRY)
JUDGE

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