

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

103 CRM-M-5197-2024
Date of Decision : February 26, 2024

ANKIT -PETITIONER

V/S

STATE OF HARYANA -RESPONDENT

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Shahin Hussan, Advocate
for the petitioner.

Mr. Bhupender Singh, D.A.G., Haryana.

KULDEEP TIWARI, J. (ORAL)

1. On 01.02.2024, this Court had passed the hereinafter
extracted order, upon the instant petition:-

“1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner seeks grant of anticipatory bail in case titled as “State V/s Arun and others”, which is pending before the learned Additional Sessions Judge, Yamuna Nagar, and, which arises out of FIR No.398 dated 26.11.2021, under Sections 120-B, 307 of the IPC, and, Section 25, 54, 59 of the Arms Act, registered at P.S. Bilaspur, District Yamuna Nagar.

2. As a matter of fact, this is the second petition preferred by the petitioner, on the same cause of action, as earlier the petitioner had accessed this Court through filing CRM-M-2019-2024, which was dismissed as withdrawn on 15.01.2024, however, with liberty to the petitioner to approach the learned trial Court concerned. Accordingly, the petitioner approached the learned trial Court concerned, thereby seeking grant of anticipatory bail, however, he remained unsuccessful, inasmuch as, his anticipatory bail application was dismissed on 24.01.2024. Consequently, the petitioner is again before this Court, through the instant petition.

3. *The petitioner was granted regular bail, in the case titled as “State V/s Arun and others”, vide order dated 06.12.2022, however, since the petitioner could not appear before the learned trial Court concerned on 22.05.2023, it led the learned trial Court to, through drawing an order dated 22.05.2023, cancel his bail bonds, besides also led to issuance of warrants of arrest against him.*

4. *The learned counsel for the petitioner submits that the absence of the petitioner before the learned trial Court was neither intentional nor wilful, rather was bonafide, as pursuant to grant of bail, he had been regularly appearing in the trial court proceedings. What led to the petitioner remaining unrepresented before the learned trial court on the relevant date, was that, the petitioner was arrested on 21.05.2023 by the Punjab Police, in another FIR.*

5. *Notice of motion.*

6. *Mr. Bhupender Singh, D.A.G., Haryana, waives service on behalf of the respondent-State.*

7. *Considering the hereinabove made submissions and innocuous prayer of the learned counsel for the petitioner, though this Court does not find any illegality or perversity in the order dated 22.05.2023, whereby, bail bonds of the petitioner have been cancelled, however, taking a lenient view, the petitioner is directed to, within 15 days from today, surrender before the learned trial Court concerned. In case, the petitioner surrenders before the learned trial Court, within the stipulated period, the latter shall release him on regular bail on furnishing of bail/surety bonds to its satisfaction.*

8. *List on 22.02.2024 in the urgent list.”*

2. Today, the learned counsel for the petitioner has produced a copy of the order dated 13.02.2024, as passed by the learned Additional Sessions Judge, Yamuna Nagar at Jagadhri, which reveals that the petitioner had, in compliance of the hereinabove extracted directions, surrendered before the learned Additional Sessions Judge concerned,

whereupon, he has been admitted to regular bail.

3. In view of the above, since no further order is required, therefore, the hereinabove extracted interim order dated 01.02.2024, as made by this Court, is hereby made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

4. This order should not be treated as “blanket” order. It will not be read granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

5. Needless to say that anything observed hereinabove shall not be construed to be an opinion on the merits of the case.

February 26, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No