

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

139

Criminal Misc. No. M-7719 of 2024

Date of decision :-13.02.2024

Monu

.....Petitioner

Versus

State of UT Chandigarh

.....Respondent

CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Arshit Goel, Advocate as Legal Aid Counsel
for the petitioner.

NIDHI GUPTA J. (Oral)

Prayer in this petition is for quashing of order dated 21.7.2023 (Annexure P-3) passed by the learned Chief Judicial Magistrate, Chandigarh, whereby bail of the petitioner was cancelled and his bail bonds and surety bonds were forfeited to the State and non-bailable warrants of arrest have been issued in case FIR No.194 dated 22.11.2021 (Annexure P-1), under Sections 354-A and 509 IPC, registered at Police Station Industrial Area, Chandigarh.

Learned counsel for the petitioner *inter alia* submits that the petitioner has been regularly appearing in the matter as is evident from the perusal of the zimni orders (Annexure P-2 colly.). Learned counsel submits that the petitioner was unable to appear on the last three dates due to ill health in as much the petitioner has mental health problems and is undergoing the treatment from the PGI, Chandigarh.

Learned counsel further submits that because of the said problem, the next date of hearing was noted wrongly by the petitioner.

Notice of motion.

Mr. Manish Bansal, Public Prosecutor, UT Chandigarh accepts notice on behalf of respondent-UT Chandigarh and submits that he has no objection in case the prayer of the petitioner is allowed subject to payment of costs.

Accordingly, keeping in view the above facts as canvassed by ld. Counsel for the petitioner, this petition is allowed and impugned order dated 21.7.2023 (Annexure P-3) is set aside. The petitioner is directed to appear before the trial Court concerned and furnish the requisite bail bonds and surety bonds afresh subject to payment of costs of Rs.2500/- to be paid to the State Legal Services Authority, UT Chandigarh. The trial Court is directed to allow the petitioner to furnish the requisite bail bonds and surety bonds and to pursue with the trial proceedings in the aforesaid FIR (Annexure P-1).

Disposed of as above. Pending application, if any, also stands disposed of.

February 13, 2024
Vijay Asija

(**NIDHI GUPTA**)
JUDGE

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