

2024 PHHC:082788



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

Sr. No.128**CRM-M-12646-2024(O&M)****Date of decision : 04.07.2024**

Karambir @ Karamvir

..... Petitioner

VERSUS

State of Haryana and another

..... Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. L.K. Narang, Advocate, for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

KIRTI SINGH, J. (Oral)

The prayer in this petition is for quashing the impugned order dated 30.09.2023 (Annexure P1) vide which the bail granted to the petitioner was cancelled and arrest warrants were issued. Further, prayer is for setting aside the order dated 29.01.2024 whereby the petitioner was ordered to be secured through proclamation under Section 82 Cr.P.C. in complaint No.COMA/116/2019 and order dated 04.03.2024 (Annexure P2/A) whereby the present petitioner was declared proclaimed offender in complaint No.COMA/116/2019.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner was granted regular bail by the learned SDJM, Meham on 15.07.2022 and was facing trial. He further submits that on 25.09.2023 when the matter came up for hearing before the trial Court, he could not appear on the ground that his medical condition was not good and on that day, he moved an application for exemption from personal appearance but the trial Court dismissed his application and adjourned the matter for

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30.09.2023 and again on said date, the petitioner could not appear and ultimately the trial Court on which date the trial Court cancelled the bail/surety bonds of the present petitioner and arrest warrant of present petitioner was issued. He further submits that his absence was unintentional and he is ready to appear before the trial Court and abide by all terms and conditions imposed upon him.

3. Notice of motion.

4. At asking of the Court, Mr. Anmol Malik, DAG, Haryana, accepts notice on behalf of respondent No.1-State.

5. Heard.

6. On hearing learned counsel for the parties and perusing the record, it is apparent that the petitioner was granted bail by the trial Court, however, he could not appear before the trial Court on 30.09.2023 and on account of the same, his bail bonds/surety bonds were cancelled. The petitioner is ready to appear before the trial Court and face the trial.

7. This Court finds that no useful purpose will be served by sending the petitioner in custody and now he is ready to join the proceedings.

8. In view of the above, the present petition is allowed and order dated 30.09.2023 (Annexure P1) and order dated 04.03.2024 (Annexure P2/A) are hereby set aside subject to payment of cost of Rs.10,000/- by the petitioner to be deposited with the Poor Patient Welfare Fund, PGIMER Chandigarh within a period of 15 days from today. The petitioner after depositing the cost as stated above would appear before the trial Court on the

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payment of cost. The trial Court would release the petitioner on bail on his furnishing fresh bail bonds to its satisfaction. No coercive action would be taken against the petitioner till the next date fixed by the learned trial Court. In case, the petitioner failed to appear before the trial Court on the next date fixed or failed to deposit the cost as stated above, this order would be of no avail to the petitioner.

9. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

04.07.2024

Ramandeep Singh

Whether speaking / reasoned

Yes/No

Whether Reportable

Yes/No