

**CRR-799-2024****1**

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

**109****CRR-799-2024****Date of Decision : May 15, 2024****AMRITPAL @ PARVEEN****-PETITIONER****V/S****STATE OF HARYANA****-RESPONDENT****CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: Mr. Anu Garg, Advocate  
for the petitioner.

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

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**KULDEEP TIWARI, J. (ORAL)**

1. The instant revision petition is directed against the order dated 19.03.2024, whereby, the learned Sessions Judge concerned has, after allowing the application filed by the learned Public Prosecutor, cancelled the bail of the petitioner, as granted vide order dated 02.01.2024.

2. The learned counsel for the petitioner submits that, without there being any violation of the terms and conditions of the order, thus granting bail/suspending the sentence of the petitioner, yet the learned Sessions Judge concerned has erred in cancelling bail of the petitioner, merely on the ground that, he has failed to furnish the requisite bonds. Nonetheless, he seeks a last opportunity to furnish the requisite bonds before the learned Sessions Judge concerned.

3. What surges forth from the record available before this Court, is that, consequent upon the petitioner becoming convicted and sentenced by the learned trial Court, vide judgment dated 09.01.2023, for commission

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of offence punishable under Sections 420, 467, 468, 471, 120-B of the IPC, the petitioner preferred an appeal thereagainst before the learned Sessions Judge/appellate court concerned. The said appeal was accompanied by an application seeking suspension of sentence, as imposed upon the petitioner, which was allowed by the learned Sessions Judge vide order dated 03.02.2023. Although the petitioner was admitted to bail, however, this relief was subject to the petitioner furnishing personal bond in the sum of Rs.50,000/- with one surety in the like amount, to the satisfaction of the learned trial Court/Duty Magistrate, Kurukshetra, within a period of seven days. However, since the petitioner could not make compliance of the order dated 03.02.2023, inasmuch as, he failed to furnish the requisite bonds within the stipulated period, therefore, the learned Sessions Judge concerned, vide order dated 05.06.2023, cancelled his bail and ordered to secure his presence through non-bailable warrants.

4. Surprisingly, despite cancellation of bail vide the order (supra), the learned trial Court, vide order dated 04.09.2023, accepted the bail bonds of the petitioner and released him on bail, which resulted in the non-bailable warrants (supra) becoming received back with the report that the petitioner has already been released on bail.

5. Consequently, the learned Public Prosecutor made an application, thereby assailing the order dated 04.09.2023. While entertaining this application, an inference was drawn by the learned Sessions Judge concerned that, since the petitioner had secured concession of bail from the learned trial Court by misstating the facts, therefore, he deserves no leniency and accordingly, he drew the order dated 11.10.2023,

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thereby setting aside the order dated 04.09.2023. Moreover, the petitioner was ordered to be taken in custody.

6. Thereafter, the petitioner again made an application seeking the concession of bail, whereupon, the learned Sessions Judge concerned took a lenient view and readmitted him to bail, vide order dated 02.01.2024. However, this relief was subject to the petitioner furnishing personal bond in the sum of Rs.70,000/- with one sound local surety in the like amount to the satisfaction of the learned Sessions Judge concerned.

7. The surety bond (supra) did not become furnished before the learned Sessions Judge concerned, rather, without disclosing the mandate enclosed in the order dated 02.01.2024, the petitioner, through his counsel, moved an application before the learned Duty Magistrate concerned, thereby requesting to accept the surety bonds. Resultantly, since this application was filed by omitting material facts, i.e. “surety bonds were ordered to be furnished to be satisfaction of the learned Sessions Judge concerned”, therefore, the learned Public Prosecutor again filed an application, thereby seeking cancellation of petitioner’s bail, as granted vide order dated 02.01.2024. Finally, this application was also allowed by the learned Sessions Judge concerned, through drawing the impugned order dated 19.03.2024, and, the bail of the petitioner was cancelled.

8. This Court has heard the learned counsels for the parties and perused the record. Although the conduct of the petitioner does not invite any interference by this Court in the impugned order, however, considering the innocuous and *bona fide* prayer made by the learned counsel for the petitioner, a last opportunity is given to the petitioner to make compliance

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of the order dated 02.01.2024, through furnishing the requisite bonds to the satisfaction of the learned Sessions Judge concerned. In case, the petitioner makes an application for furnishing the requisite bonds, the learned Sessions Judge concerned shall accept the bonds and shall suspend his sentence till decision of the appeal.

9. Disposed of accordingly.

May 15, 2024  
devinder

(KULDEEP TIWARI)  
JUDGE

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