



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

233

CRM-M-24129-2024 (O&M)
Date of Decision:-31.08.2024

INDERPREET @ PERRY

....Petitioner(s)

Versus

UT CHANDIGARH AND ANOTHER

...Respondent(s)

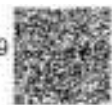
CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Amit Bhanot, Advocate for the petitioner.

Mr. Manish Bansal, Public Prosecutor for U.T. Chandigarh.

SANJIV BERRY, J. (ORAL)

1. At the outset, learned counsel for the petitioner has confined his prayer only qua quashing of impugned orders dated 16.03.2024, 27.03.2024 and 08.04.2024 (Annexures P-2 to P-4 respectively) and seeks permission to withdraw the petition qua quashing of FIR (Annexure P-1) with liberty to file the same afresh with better particulars.
2. In view of the statement, present petition qua quashing of the FIR (Annexure P-1) stands dismissed as withdrawn with aforesaid liberty.
3. By way of present petition preferred under Section 482 Cr.P.C., the petitioner has sought quashing of impugned order dated 16.03.2024 (Annexure P-2) passed by the Court of learned Judicial Magistrate First Class, Chandigarh, whereby the bail of the petitioner was cancelled and his bail bonds/surety bonds were forfeited to the State and the petitioner was



ordered to be summoned through non-bailable warrants of arrest in case arising out of FIR No.250 dated 29.06.2011 registered under Sections 147, 148, 149, 323, 452, 506, 325, 452, 506 IPC at Police Station Sector 39, Chandigarh along with orders dated 27.03.2024 and 08.04.2024 (Annexures P-3 and P-4 respectively).

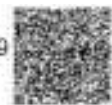
4. Learned counsel for the petitioner has submitted that in compliance to the order dated 13.08.2024 passed by this Court, the petitioner has appeared in the Court and furnished his requisite bail bonds. He has placed on record copy of the order dated 21.08.2024 passed by learned Judicial Magistrate First Class, Chandigarh, whereby the petitioner has been admitted on interim bail by the learned trial Court.

5. Learned Public Prosecutor for UT Chandigarh has not disputed the aforesaid factum.

6. Heard.

7. During the course of proceedings on 13.08.2024, the following order was passed.

“3. It is, inter alia, contended by learned counsel for the petitioner that the petitioner after having been granted the concession of bail in case FIR (Annexure P-1) had been appearing in the proceedings before the learned Trial Court and on 24.11.2023, the petitioner had moved an application under Section 205 Cr.PC for permanent exemption which is pending reply. In the meanwhile, on 16.03.2024, the petitioner could not appear in the concerned Court under the presumption that he had already filed an application (supra) and his presence was not required, however, his counsel, Mr. Himanshu Sharma, had put in appearance in the Court on that day. He further contends that the learned Trial Court failed to note the presence of the counsel for the petitioner on that day and marked the absence of the



petitioner cancelling bail and summoning through non-bailable warrants of arrest for 30.03.2024.

4. Learned counsel for the petitioner further contends that although the petitioner is having 11 more cases registered against him but he is on bail therein and is ready to appear before the learned Trial Court and face the trial with an undertaking that he will be regularly appearing before the learned Trial Court on each and every date of hearing without fail and will also seek prior exemption from appearance only in case of extreme exigency by moving an appropriate application in accordance with the law before the learned Trial Court.

5. Notice of motion.

6. On the asking of the Court, Mr. Manish Bansal, P.P. UT. Chandigarh, accepts notice and has not controverted the factual matrix of the case and submits that next date fixed before the learned Trial Court is 22.08.2024.

7. Keeping in view the above facts and circumstances without commenting on the merits of the case, the petitioner is directed to appear before the learned Trial Court/Judge on duty on or before 22.08.2024 and in that event, learned Trial Court/Judge on duty will admit the petitioner on interim bail subject to its satisfaction.

8. The petitioner shall also furnish a specific undertaking before the learned Trial Court/Judge on duty that, in future, he would be regularly appearing before the concerned Court on each and every date and in case of some exigency, he will seek prior permission of the concerned Court qua his exemption to appear on the date fixed.

9. List on 31.08.2024.

10. The petitioner shall also deposit a cost of Rs. 10,000/- before the District Legal Services Authority, Chandigarh before his appearance in the learned Trial Court.”

8. Keeping in view the fact that the petitioner has already appeared in the Court and furnished his requisite bail/surety bonds consequent to the order dated 13.08.2024 passed by this Court, the order dated 16.03.2024 (Annexure P-2) passed by the Court of learned Judicial Magistrate First



Class, Chandigarh along with orders dated 27.03.2024 and 08.04.2024 (Annexures P-3 and P-4 respectively) are set aside and the interim bail granted vide order dated 13.08.2024 is hereby confirmed.

9. Accordingly, petition qua Annexures P-2 to P-4 stands allowed and qua Annexure P-1 stands dismissed as withdrawn with liberty as stated in the first paragrah.

10. Disposed of in abovesaid terms.

11. Pending applications, if any, shall also stand disposed of.

(SANJIV BERRY)
JUDGE

31.08.2024
S.Sharma(syr)

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