



CRM-M-26565-2024

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

**CRM-M-26565-2024
Date of decision: 15.07.2024**

RAMLAKHAN

....Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. B.S. Beniwal, Advocate for the petitioner.

Mr. Ramender Singh Chauhan, AAG Haryana.

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SANJIV BERRY, J. (ORAL)

Learned counsel for the petitioner in order to substantiate his contention has placed on record the copy of order dated 01.06.2024 passed by learned Additional Sessions Judge, Sirsa in case titled as '*State of Haryana vs. Ram Lakhan etc.*' in criminal case No:NDPS-481-2020 to submit that in compliance of the order dated 24.05.2024 the petitioner has joined the trial.

2. The learned State counsel has filed the reply dated 08.07.2024 in the form of an affidavit of Deputy Superintendent of Police, District Sirsa and has not disputed the factual matrix of the case. Reply is taken on record.

3. During the course of hearing on 24.05.2024 the following order had been passed:

“ The instant petition under Section 482 Cr.P.C. has been filed for quashing of the impugned order dated 16.08.2023 (Annexure P-2) passed by learned Additional Sessions Judge, Sirsa, District Sirsa, in criminal case No. NDPS-481-2020



titled 'State of Haryana Versus Ram Lakhan etc.' arising out of the FIR No.232 dated 14.07.2020 under Section 20 of NDPS Act registered at P.S. Sadar Sirsa, District Sirsa (Annexure P-1), whereby the bail of the petitioner has been cancelled and bonds are forfeited to the State.

2. *Learned counsel for the petitioner inter alia contends that the petitioner, after having been nominated in the instant FIR (Annexure P-1), was granted concession of bail and he had been appearing regularly in case bearing CIS No. NDPS-481-2020 titled 'State of Haryana Versus Ram Lakhan etc.' in the Court of learned Additional Sessions Judge, Fast Track Court, Sirsa. She submits that on 16.08.2023, the date fixed in the trial Court, the petitioner could not appear leading to cancellation of his bail and issuance of non-bailable warrants of arrest with also the directions to attach his immovable property vide impugned order dated 16.08.2023 (Annexure P-2). She submits that the absence of the petitioner on the date fixed was not intentional but to the reason that he was arrested in case FIR No.59 dated 11.03.2023 registered under Sections 323, 34, 427, 452 and 506 of IPC at P.S. Sadar Ratia, District Fatehabad, and to support this aspect, she has placed on record the copy of order dated 08.08.2023 (Annexure P-4) passed by Judicial Magistrate Ist Class, Ratia, in case 'State Versus Sunil etc.' bearing No. CHI-85-2023. She further submits that in the meanwhile the learned trial Court has passed the order (Annexure P-3) dated 16.05.2024 whereby in the proclamation has been issued for procuring the presence of the petitioner. Hence, the present petition.*

3. *Notice of motion.*

4. *On the asking of the Court, Ms. Gaganpreet Kaur, DAG, Haryana, who is present in Court, accepts notice on behalf of the respondent-State and seeks time to file the status report/reply.*

5. *In the meanwhile, the petitioner is hereby directed to appear in the trial Court/Duty Magistrate within seven days from today and in the event of his arrest, he is ordered to be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the concerned Court/Duty Magistrate.*

6. *List on 15.07.2024."*

4. As per submission made by learned counsel representing the petitioner as well as the State, vide impugned order dated 16.08.2023 (Annexure P-2) the bail of the petitioner was cancelled and he was ordered to be served through non-bailable warrants of arrest and subsequently vide order (Annexure P-3) dated 16.05.2024 proclamation was issued for procuring the presence of the petitioner. Now, as is evident from the order dated 01.06.2024 passed by learned Trial Court that the petitioner has already been granted concession of bail by learned Trial Court.

5. The learned State counsel has also while referring to the reply submitted that the petitioner has surrendered in the learned Trial Court and that the petitioner had appeared in the learned Trial Court in compliance to the order dated 24.05.2024 and has since been granted concession of interim bail.

6. Considering all these aspects, the interim bail granted to the petitioner vide order dated 24.05.2024 is hereby confirmed. Further, he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

7. Consequent to this, the present petition is disposed of by setting aside the impugned order dated 16.08.2023 (Annexure P-2).

15.07.2024
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(SANJIV BERRY)
JUDGE

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