



CRM-M-27816-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-27816-2024

Date of decision: 15.07.2024

MUKESH GOYAL

....Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Sanawal Ali, Advocate for
Mr. Manoj Tanwar, Advocate for the petitioner.

Mr. Ramender Singh Chauhan. AAG Haryana.

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SANJIV BERRY, J. (ORAL)

Learned counsel for the petitioner has placed on record the copy of the order dated 03.06.2024 passed by learned Additional Sessions Judge, Narnaul in case titled as '*State of Haryana vs. Kunti Devi etc.*' in criminal case No:NDPS-18-2022 to submit that in compliance with the order dated 29.05.2024 passed by this Court the petitioner has since appeared in the Trial Court and furnished the requisite bail bonds and has been granted concession of interim bail.

2. The learned State counsel has not disputed the factual matrix of the case.

3. By way of the instant petition, the petitioner has sought quashing of the order dated 18.10.2023 passed by learned Additional Sessions Judge, Narnaul (Annexure P-1) whereby on account of absence of the petitioner the bail was cancelled and he was ordered to be summoned through non-bailable warrants of arrest.



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4. During course of hearing on 29.05.2024 the following order had been passed:

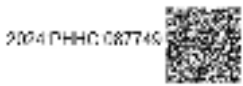
“The instant petition under Section 482 Cr.P.C. has been filed for quashing of the order dated 18.10.2023 passed by the Court of learned Additional Sessions Judge, Narnaul, (Annexure P-1) wherein the bail of the petitioner has been cancelled and his bail bonds has been forfeited and warrants of arrest has been issued in case FIR No.150 dated 09.05.2022 registered under Section 20 of NDPS Act and Section 120-B of IPC at P.S. City Mahendergarh, District Mahendergarh (Annexure P-2).

2. Learned counsel for the petitioner, inter alia, contends that the petitioner was granted concession of bail in FIR (Annexure P-2) and consequently upon the presentation of the challan, he had been regularly appearing in the trial Court on each and every date of hearing. He submits that the petitioner was suffering from ailments due to which he had sought exemption from the Court on 30.09.2023 by moving application (Annexure P-5) which was granted by the learned trial Court. He submits that on the next date of hearing i.e. 18.10.2023, the petitioner could not appear in Court being under medical ailment at Jaipur nor could he inform his counsel about the same. As a consequent, the learned trial Court by marking the petitioner absent, cancelled his bail bonds and issued warrant of arrest. He submits that the case is now pending before the learned trial Court for 03.06.2024 and the petitioner is ready to appear before the learned trial Court and face the trial. He has also annexed the medical prescriptions showing the ailment of the petitioner and submits that the absence of the petitioner was not intentional 1 of and if granted concession of bail, the petitioner will regularly appear before the learned trial Court on each and every date of hearing without fail and is also ready to deposit the cost.

3. Notice of motion.

4. On the asking of the Court, Mr. Surender Singh, AAG, Haryana, who is present in Court, accepts notice on behalf of the respondent-State and has not disputed the factual matrix of the case.

5. 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/Duty Magistrate on or before 03.06.2024 and in the event of his arrest, he is ordered to be released on interim bail on his



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furnishing personal/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. The petitioner is further directed to furnish specific undertaking before the concerned Court that he will regularly appear on each and every date of hearing and in case of any exigency, he will move application seeking exemption from the Court in accordance with law.

6. The petitioner is also burdened with cost of Rs.10,000/-, to be deposited in the Secretary, District Legal Services Authority, Narnaul, which shall be condition precedent for his admission on interim bail.

7. List on 09.07.2024.”

5. Heard.

6. Admittedly, in compliance to the order dated 29.05.2024, the petitioner had appeared in the Court on 03.06.2024 and had furnished the requisite bonds as is evident from the order dated 03.06.2024 passed by learned Trial Court which is placed on record today.

7. Considering all these aspects, the interim bail granted to the petitioner vide order dated 29.05.2024 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.

8. Consequent to this, the present petition is disposed of by setting aside the impugned order dated 18.10.2023 (Annexure P-1).

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 |