



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

CRM-M-27833-2024

Date of Decision : **29.05.2024**

SANJAY SAXENA

.....Petitioner

VERSUS

STATE OF HARYANA AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Munish Kumar Garg, Advocate,
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

KULDEEP TIWARI, J.(Oral)

1. The present petition has been filed seeking quashing of impugned order dated 01.03.2024 (Annexure P-17), passed by the learned Additional Sessions Judge, Gurugram, in Criminal Appeal No.33 of 2019, whereby, his bail, granted vide order dated 11.01.2019, has been cancelled and warrants of arrest have been issued to secure his presence.

2. In asking for the relief (*supra*), learned counsel for the petitioner submits that the petitioner was convicted by the learned trial court concerned, vide judgment dated 10.12.2018 (Annexure P-1) and upon filing a statutory appeal, alongwith suspension of sentence, the sentence of the petitioner was suspended by the appellate court concerned vide order dated 11.01.2019 (Annexure P-3), and since then the petitioner was regularly appearing before the learned appellat court concerned,

whereas, owing to non-appearance on dated 01.03.2024, the learned appellate court concerned due to some medical urgencies, proceeded to cancel his bail bonds, and non-bailable warrants were issued against the present petitioner to secure his presence.

3. He further submits that petitioner has no intentions to challenge the legality of the order (*supra*), passed by this Court, however, the petitioner is ready and willing to face the trial, and is ready to surrender before the learned trial Court concerned, in case adequate protection is granted to him.

4. *Per contra*, learned State counsel opposes the grant of relief (*supra*), to the present petitioner.

5. This Court has heard the learned counsel for both the parties concerned, and has gone through the entire case file.

6. Since an innocuous and a *bona fide* prayer has been made by learned counsel for the petitioner, without going into the legality of the impugned order (*supra*), this Court directs the petitioner to surrender before the learned appellat court concerned concerned on 03.06.2024, the date already fixed.

7. In case the petitioner surrenders before the learned appellate court concerned, on 03.06.2024 and furnishes fresh bail and surety bonds, the same shall be accepted by that court, however, subject to its satisfaction, and the petitioner shall be released on regular bail.

8. In the meanwhile, the arrest of the petitioner shall remain stayed.

9. However, in case, the petitioner fails to appear before the learned appellate court concerned on 03.06.2024, and furnish bail and surety bonds, the protection granted hereinabove, *qua* his arrest shall *ipso facto* vacated, without any further reference to this Court.

10. **Disposed of accordingly.**

May 27, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

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