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

CRM-M-31677-2023

Date of Decision : 23-04-2024

Kushal Pal

.....Petitioner

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present:- Mr. Parveen Kumar, Advocate for
Mr. Abhimanyu Singh, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG Haryana.

PANKAJ JAIN, J. (Oral)

1. On 14.07.2023, the following order was passed:-

“On 05.07.2023, the following order was passed:-

“The petitioner has invoked jurisdiction of this Court by filing the present petition under Section 482 Cr.P.C seeking quashing of impugned order dated 27.02. 2023 (Annexure P-20) along with order dated 12.06.2023 (Annexure P-21) passed by JMIC, Gurugram.

The petitioner is facing trial in FIR No. 341 dated 28.06.2018 for offences punishable under Section 61 of The Central Excise Act, 1944. He was on bail when he absented himself on 27.02.2023. His presence was ordered to be procured by issuance of non-bailable warrants by the trial court. The non-bailable warrants issued against the petitioner were received back with the report that he was not found at the address, resulting in the order dated 12.06.2023 initiating proceedings under Section 82 Cr.P.C.

Learned counsel for the petitioner submits that absence of the petitioner was owing to the fact that he was suffering from medical ailment and in order to support his contention the medical record of the petitioner has been placed on record as Annexure P-22 which shows that the petitioner is a suspect of Liver Cirrhosis

Notice of motion.

Mr. Gaurav Bansal. DAG., Haryana, who is present in Court accepts notice on behalf of the State.

Without going into the merits of the case, in the considered opinion of this Court, since the impugned orders have been passed after the petitioner absented himself from the trial, it will be in the interest of justice that the petitioner be granted one opportunity to appear before the trial Court on 10.07.2023 and will seek concession of bail before the trial court.

In the eventuality of the petitioner surrendering before the trial court and moving an appropriate application, the same be decided within a period of two days in accordance with law. The petitioner is also saddled with costs of Rs.5,000/- to be deposited with the Advocates Welfare Fund, Punjab and Haryana High Court, Chandigarh

To come up on 14.07.2023"

Learned counsel for the petitioner prays for one more opportunity to appear before the trial Court in compliance of order dated 05.07.2023.

Allowed as prayed for.

Petitioner is directed to appear before the trial Court on 19.07.2023 on deposit of Rs.10,000/- as costs to be deposited with the Punjab & Haryana High Court Bar Association Lawyer's Family Welfare Fund, Chandigarh.

Adjourned to 26.09.2023."

2. Counsel for the petitioner has further produced the copy of the order dated 08.04.2024 passed by Judicial Magistrate 1st Class, Gurugram to demonstrate that the petitioner has appeared before the trial Court and stands admitted to bail. He further submits that the petitioner undertakes to appear before the trial Court regularly.
3. In view of the above, no further order is warranted.

4. Present petition stands disposed off accordingly. The petitioner shall also remain bound by the following conditions :-

(i) The petitioner shall not mis-use the liberty granted.

(ii) The petitioner shall not tamper with any evidence oral or documentary during the trial.

(iii) The petitioner shall not absent himself on any date before the trial.

(iv) The petitioner shall not commit any offence while on bail.

(v) The petitioner shall deposit his passport, if any with the trial Court.

(vi) The petitioner shall give his cellphone number to the police authorities and shall not change his cell-phone number without permission of the trial Court.

(vii) The petitioner shall not in any manner try to delay the trial.

23-04-2024

spn

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable : No