



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

343

CRM-M-31480-2024 (O&M)
Date of Decision:- 22.08.2024

MAHENDER SINGH

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : None for the petitioner.

Mr. Ramender Singh Chauhan, AAG Haryana.

SANJIV BERRY, J. (ORAL)

1. By way of present petition preferred under Section 482 Cr.P.C., the petitioner has sought quashing of impugned order dated 10.10.2022 (Annexure P-3) passed by the Court of learned Chief Judicial Magistrate, Narnaul, whereby the bail of the petitioner was cancelled and warrant of arrest had been issued against the petitioner in case FIR No.399 dated 09.07.2019 registered under Sections 279, 336, 120-B of the IPC, 3(2)(e) of Prevention of Damage to Public Property Act at Police Station City Narnaul, District Mahendergarh.

2. Learned State counsel has apprised the Court that in compliance to the order dated 05.07.2024 passed by this Court, the petitioner has appeared in the Court and furnished his requisite bail bonds and has also deposited the costs imposed by this Court. He has placed on record copy of the order dated 10.07.2024 passed by learned Chief Judicial Magistrate,



Narnaul, whereby the petitioner has been admitted on interim bail by the learned trial Court.

3. Heard.

4. During the course of proceedings on 05.07.2024, the following order was passed.

“2. Learned counsel for the petitioner, inter alia, contends that the petitioner, after having been arrested in case FIR (Annexure P-1) was granted concession of bail vide order dated 11.07.2019 (Annexure P-2). Thereafter, the petitioner had been regularly appearing in the trial Court but on 10.10.2022, he could not appear in the trial Court due to non-communication of the date by his counsel who had left practice leading to passing of the impugned order (Annexure P-3) whereby the bail was cancelled and the petitioner ordered to be served through non-bailable warrants of arrest. He contends that as per the last order dated 28.05.2024 passed by learned trial Court, the case is now fixed for 04.09.2024 and the proclamation has been issued for procuring the presence of the petitioner. He submits that the absence of the petitioner was not intentional and the petitioner is ready to join the proceedings.

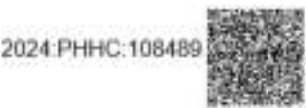
3. Notice of motion.

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 and submits that the proclamation to procure the presence of petitioner has been issued for 14.11.2024.

5. List on 26.07.2024.

6. In the meanwhile, the petitioner is hereby directed to appear before 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 subject to deposit of cost of Rs.10,000/- with the Poor Patients Welfare Fund, PGIMER, Chandigarh.”

6. 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 05.07.2024 passed by this Court, the present petition is allowed. The order dated 10.10.2022 (Annexure P-3) passed by the Court of learned Chief Judicial Magistrate, Narnaul is set aside and the interim bail granted vide order dated 05.07.2024 is hereby confirmed.

- 7. The petition stands allowed..
- 8. Pending applications, if any, shall also stand disposed of.

(SANJIV BERRY)
JUDGE

22.08.2024
S.Sharma(syr)

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